

Pearce, Jennifer

From: Guzman, Humberto
Sent: Thursday, August 27, 2015 11:42 AM
To: Jones, Laurie; Olone, Dan; Dromgoole, Ahmad
Subject: RE: Arrowhead Landfill - ALG160167

Thanks, Laurie. It's looking good.

From: Jones, Laurie
Sent: Thursday, August 27, 2015 11:19 AM
To: Olone, Dan; Dromgoole, Ahmad; Guzman, Humberto
Subject: Fw: Arrowhead Landfill - ALG160167

Fyi

From: Warren, Lee <DLW@adem.state.al.us>
Sent: Thursday, August 27, 2015 10:40:21 AM
To: Jones, Laurie
Subject: Arrowhead Landfill - ALG160167

Laurie,

Please see the requested photographic update regarding the Arrowhead Landfill.

If we need to discuss, please feel free to call.

Thanks,

Lee

Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845



Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).

Pearce, Jennifer

From: Jones, Laurie
Sent: Thursday, August 27, 2015 11:19 AM
To: Olone, Dan; Dromgoole, Ahmad; Guzman, Humberto
Subject: Fw: Arrowhead Landfill - ALG160167
Attachments: Moseley - Compliance Evaluation Inspection.pdf

Fyi

From: Warren, Lee
Sent: Thursday, August 27, 2015 10:40:21 AM
To: Jones, Laurie
Subject: Arrowhead Landfill - ALG160167
Laurie,

Please see the requested photographic update regarding the Arrowhead Landfill.

If we need to discuss, please feel free to call.

Thanks,

Lee

Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845



Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).

H. LOWRY TRIBBLE, JR., P.E.
WILLIAM F. HODGES, P.E.
W. MICHAEL STUBBS, P.E.
R. BRANT LANE, P.E.
CLINT L. COURSON, CHMM
K. MATTHEW CHEEK, P.E.
DANIEL E. CHEEK, P.E.
KEVIN G. BERRY, P.E.



HODGES, HARBIN,
NEWBERRY & TRIBBLE, INC.

Consulting Engineers

NATHAN D. DUNN, P.E.
RYAN S. WILLOUGHBY, P.E.
WILLIAM A. GRANICH, P.E.
ROBERT D. HELLER, CHMM
ERIC P. JACKSON, P.E.
DAVID E. BATTSON, P.E.
RYAN S. PETERS, P.E.
WILLIAM M. REESE, P.E.

August 19, 2015

Ms. Dodi Moseley
Industrial General Permit Section, Southwest
Industrial/ Municipal Branch
Water Division
1400 Coliseum Boulevard
Montgomery, AL 36110

**RE: Arrowhead Landfill
Compliance Evaluation Inspection
General NPDES Permit No. ALG160167
HHNT Project No. 3006-029-13**

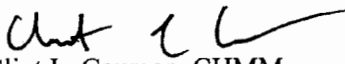
Dear Ms. Moseley,

As requested in Ms. Lee Warren's letter dated May 22, 2015, please find attached photographic documentation of the vegetation that has been established in the disturbed areas noted during the facility inspection on April 17, 2015. This vegetation will continue to be maintained and inspected regularly by landfill personnel. Additionally, these photographs document that the concrete pipes that were previously stored near the leachate tank have been removed from the property as discussed on July 16, 2015.

Should you have any questions, please call.

Sincerely,

HODGES, HARBIN, NEWBERRY & TRIBBLE, INC.


Clint L. Courson, CHMM
Environmental Scientist

CLC/tw

Enclosure

cc: Lee Warren (w/ enclosure)
Evan Roberts (w/ enclosure)
Ernest Kaufmann (w/ enclosure)
Oscar Allen (w/ enclosure)
Thad Owings (w/ enclosure)
James Ashburn (w/ enclosure)
Michelle Coleman (w/ enclosure)



PHOTO 1: Area adjacent to leachate tank



PHOTO 2: Area northwest of scalehouse/ office

Project No: 3006-029-13

Date: August 19, 2015

Figure 1 of 1

Arrowhead Landfill
Photographic Documentation of
Established Vegetation in Disturbed
Areas and Removal of Concrete Pipes

HHNT
HODGES, HARBIN,
NEWBERRY & TRIBBLE, INC.
Consulting Engineers

Pearce, Jennifer

From: Guzman, Humberto
Sent: Wednesday, July 29, 2015 10:15 AM
To: Jones, Laurie
Cc: Olone, Dan; Dromgoole, Ahmad
Subject: Teleconference with ADEM

Laurie,

How are you today? Can you please set up a teleconference with ADEM to discuss the Arrowhead Landfill? I have spoken to Mike Mitchell about the permit requirements.

Sincerely,
Humberto

Pearce, Jennifer

From: Guzman, Humberto
Sent: Monday, July 13, 2015 3:57 PM
To: Olone, Dan; Jones, Laurie; Dromgoole, Ahmad
Subject: 2012 Permit Correction
Attachments: Perry County ALG160167.pdf

Colleagues,

I found a corrected permit in ADEM's efile with the date of 1/31/12. The area of concern should be covered in Section DSN003.

DSN003: Uncontaminated storm water **from equipment maintenance and storage and** petroleum storage and handling areas.

Humberto

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

JAN 31 2012

ERNEST KAUFMANN PRESIDENT
PERRY COUNTY ASSOCIATES, LLC
132 RIVERSTONE TERRACE, SUITE 103
CANTON GA 30114

RE: Administrative Correction for Arrowhead Landfill
Route 2, Box 110 A
Uniontown, AL 36786
Perry County (105)

Dear Mr. Kaufmann:

Due to an Administrative correction, ALG160167 has been modified. The permit reissuance coverage letter dated January 17, 2012 incorrectly stated the permittee name as Perry County Associates Landfill, LLC. This letter is to inform you that a change has been made to correctly show the permittee name as **Perry County Associates, LLC**. All other information for the permit remains the same. Coverage under **General NPDES Permit Number ALG160167** is granted. The effective date of modification coverage is February 1, 2012.

Coverage under this permit does not authorize the discharge of any pollutant or wastewater that is not specifically identified in the permit and by the Notice of Intent which resulted in the granting of coverage. Those discharges identified in the NOI are:

Discharges

DSN001-1
DSN001-2
DSN003-1

Receiving Waters

Unnamed Tributary to Tayloe Creek
Unnamed Tributary to Tayloe Creek
Unnamed Tributary to Tayloe Creek

You are responsible for compliance with all provisions of the permit including but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit.

Within 180 days of coverage under this permit, permittees must apply for participation in the E-DMR system in accordance with Permit Condition I. C. 1. c. To participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes>

If you discharge to an impaired waterway, additional Best Management Practices (BMPs) will be required. The Alabama Department of Environmental Management encourages you to exercise pollution prevention practices and alternatives at your facility. Pollution prevention will assist you in complying with effluent limitations and permit regulations.

A copy of the General NPDES Permit under which coverage of your discharges has been granted was previously emailed to you. If you have any questions concerning this permit, please contact Dodi Moseley by email at dbmoseley@adem.state.al.us or by phone at (334) 271-7725.

Sincerely,

Glenda L. Dean
Chief
Water Division

Encl: Permit

File: NOI/17668

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

ADEM

ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: STORM WATER RUNOFF, **NOT** CONTAINING LEACHATE, FROM ACTIVE AND INACTIVE LANDFILLS; FROM TRANSFER STATIONS INCLUDING STORM WATER RUNOFF FROM LAND DISTURBANCE ACTIVITIES ASSOCIATED WITH OPENING AND CLOSING CELLS AT LANDFILLS; EXTERIOR VEHICLE AND EQUIPMENT WASH WATER; AND STORM WATER FROM PETROLEUM STORAGE AND HANDLING, EQUIPMENT STORAGE, AND MAINTENANCE AREAS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG160167

RECEIVING WATERS: ALL WATERS OF THE STATE NOT DESIGNATED OUTSTANDING NATIONAL RESOURCE WATER, OUTSTANDING ALABAMA WATER, OR TREASURED ALABAMA LAKE

*In accordance with and subject to the provisions of Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, **Code of Alabama 1975**, §§22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, **Code of Alabama 1975**, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the dischargers covered by this permit are hereby authorized to discharge into the above receiving waters.*

ISSUANCE DATE: October 31, 2011

EFFECTIVE DATE: February 1, 2012

EXPIRATION DATE: January 31, 2017


Alabama Department of Environmental Management

LANDFILL GENERAL PERMIT

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

- A. Discharge Limitations and Monitoring Requirements
- B. Discharge Monitoring and Record Keeping Requirements
 - 1. Representative Sampling
 - 2. Test Procedures
 - 3. Recording of Results
 - 4. Records Retention and Production
 - 5. Monitoring Equipment and Instrumentation
- C. Discharge Reporting Requirements
 - 1. Reporting of Monitoring Requirements
 - 2. Noncompliance Notification
- D. Other Reporting and Notification Requirements
 - 1. Anticipated Noncompliance
 - 2. Termination of Discharge
 - 3. Updating Information
 - 4. Duty to Provide Information
 - 5. New or Increased Discharges
- E. Schedule of Compliance

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

- A. Requirement for Coverage Under This General Permit.
 - 1. Notice of Intent
 - 2. Content of Notice of Intent
- B. Operational and Management Requirements
 - 1. Facilities Operation and Maintenance
 - 2. Best Management Practices
 - 3. Spill Prevention, Control, and Management
- C. Other Responsibilities
 - 1. Duty To Mitigate Adverse Impact
 - 2. Right of Entry and Inspection
- D. Bypass and Upset
 - 1. Bypass
 - 2. Upset
- E. Duty to Comply with Permit, Rules, and Statutes
 - 1. Duty to Comply
 - 2. Removed Substances
 - 3. Loss or Failure of Treatment Facilities
 - 4. Compliance with Statutes and Rules
- F. Permit Transfer, Modification, Suspension, Revocation, Reissuance, and Termination
 - 1. Duty to Reapply or Notify of Intent to Cease Discharge
 - 2. Change in Discharge
 - 3. Transfer of Permit
 - 4. Permit Modification, Revocation and Reissuance (of Modified General or Individual), and Termination
 - 5. Issuance of an Individual Instead of a General Permit
 - 6. Request for Individual Permit by General Permit Holder
 - 7. Request for Permit Action Does Not Stay Any Permit Requirement
- G. Compliance with Toxic Pollutant Standard or Prohibition
- H. Discharge of Wastewater Generated by Others

PART III OTHER PERMIT CONDITIONS

- A. Civil and Criminal Liability
- B. Oil and Hazardous Substance Liability
- C. Property and Other Rights
- D. Availability of Reports
- E. Compliance With Water Quality Standards
- F. Groundwater
- G. Definitions
- H. Severability

PART IV ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

- A. Storm Water Measurement and Sampling
- B. Best Management Practices (BMP) Plan
- C. Discharges to Impaired Waters Requirements

**LANDFILL GENERAL PERMIT LIMITS
GENERAL NPDES PERMIT NUMBER ALG160000
PART I**

PART I

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN001: All storm water discharges which do not contain leachate from active or inactive landfills, from transfer stations; including land disturbance activities associated with opening and closing cells at landfills.

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS 1/ 2/ 3/	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	4/
pH	S.U.	Monitor	Monitor	1/6 months	Grab
Biochemical Oxygen Demand, 5-day	mg/l	-	Monitor	1/6 months	Grab
Chemical Oxygen Demand	mg/l	-	Monitor	1/year	Grab
Cadmium, Total	mg/l	-	Monitor	1/6 months	Grab
Chromium, Total	mg/l	-	Monitor	1/6 months	Grab
Copper, Total	mg/l	-	Monitor	1/6 months	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Settleable Solids 5/7/	ml/l	-	Monitor	1/6 months7/	Grab
Total Dissolved Solids	mg/l	-	Monitor	1/6 months	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab
Downstream Turbidity 5/ 6/7/	ntus	-	6/	1/6 months7/	Grab
Upstream Turbidity 5/ 6/7/	ntus	-	Monitor	1/6 months7/	Grab

THERE SHALL BE NO DISCHARGE OF A VISIBLE OIL SHEEN, FLOATING SOLIDS, OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment
- 2/ Semiannual monitoring shall be performed during the first complete January – June or July – December period following authorization under this permit and during each subsequent six (6) month period. The annual parameter may be taken during the first or second six months of the monitoring period, but must be taken if there is a full six month period or more remaining in the monitoring period. The annual parameter result is reported on the semiannual form that is applicable to the date the annual parameter sample was taken. For the six months period that the facility did not sample the annual parameter, the facility must code the annual parameter on the semiannual electronic report as "9" or on the semiannual hardcopy report as "NODI=9" (monitoring is conditional not required this period). Quarterly monitoring shall be performed during the first complete January – March, April-June, July-September, or October – December period following authorization under this permit and during each subsequent three (3) month period. Monitoring reports shall be submitted semiannually so that they arrive at the Department no later than the 28th day of the month following the six (6) month monitoring period (no later than January 28 and July 28).
- 3/ A storm event is defined as 0.1 inch or greater rainfall and at least 72 hours from the previously measureable (greater than 0.1 inch rainfall) storm event. Monitoring shall be performed during the first thirty minutes of discharge (or as soon thereafter as practicable).
- 4/ See Part IV A. of the permit.
- 5/ To be monitored only when land disturbance activities (associated with opening and closing cells at landfills) are occurring. These land disturbance activities may include digging for cover material within the permitted landfill area, but not outside of that permitted area. If no such land disturbance activities are occurring, then the landfill must code the discharge monitoring report (DMR) for that period as "NODI=9" (monitoring is conditional not required this period).
- 6/ Downstream turbidity shall not exceed 50 NTUs above the upstream turbidity.
- 7/ If the permittee discharges to impaired waters as identified by an EPA-approved or EPA established TMDL and/or on the State of Alabama's 303(d) list, then settleable solids, downstream turbidity, and upstream turbidity must be monitored quarterly instead of semi-annually. ADEM reserves the right to require the permittee to obtain an individual permit for any of the reasons listed in Part II. F. 5. a. (1) through (9) of the permit.

**LANDFILL GENERAL PERMIT LIMITS
GENERAL NPDES PERMIT ALG160000
PART I**

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN002: Storm water runoff from petroleum storage and fueling areas. 7/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS ^{1/}</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/quarter	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/quarter	Grab
Benzene <u>3/</u>	µg/l	-	15.5	1/quarter	Grab
Ethylbenzene <u>4/</u>	µg/l	-	1,244	1/quarter	Grab
Toluene <u>5/</u>	µg/l	-	8,723	1/quarter	Grab
Xylene	µg/l	-	Monitor	1/quarter	Grab
Naphthalene <u>6/</u>	µg/l	-	620	1/quarter	Grab
Oil and Grease	mg/l	-	15	1/quarter	Grab
MTBE (Methyl Tertiary Butyl Ether)	µg/l	-	Monitor	1/quarter	Grab

THERE SHALL BE NO DISCHARGE OF DEBRIS. THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

2/ See Part IV.A.

3/ The limit for benzene shall be 1.12 µg/l if the discharge is to a body of water which is designated as a public water supply (PWS) or within a 24 hour travel time to a body of water designated as a PWS.

4/ The limit for ethylbenzene shall be 448 µg/l if the discharge is to a body of water which is designated as a PWS or within a 24 hour travel time to a body of water designated as a PWS.

5/ The limit for toluene shall be 1,206 µg/l if the discharge is to a body of water which is designated as a PWS or within a 24 hour travel time to a body of water designated as a PWS.

6/ To be monitored only at facilities which handle diesel fuel, aviation fuel, or jet fuel.

7/ If fueling operations are the only industrial activities occurring within the drainage area, then DSN003 applies for the discharge, unless the Department deems it necessary to require monitoring under DSN002 in addition to DSN003.

PART I

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN003: Uncontaminated storm water from equipment maintenance and storage and petroleum storage and handling areas.

Such discharges shall be limited and monitored by the permittee as specified below:

1. The facility will have a valid SPCC plan pursuant to 40 CFR Part 112.
2. Best Management Practices (BMP) will be used to prevent pollution of storm water by spillage or leakage during petroleum handling operations and from equipment maintenance and storage areas. The BMP shall include at a minimum:
 - a. Twice per week inspections of the area and removal of any leaked petroleum product;
 - b. Immediate cleanup of spilled or leaked petroleum product during handling operations, including fueling; and
 - c. All cleanup activities shall be conducted using dry sweep or other approaches that do not result in the creation of polluted wastewater or storm water runoff.
3. Records shall be maintained in the form of a log and shall contain the following information, as a minimum:
 - a. Date and time of twice per week inspections;
 - b. Any cleanup accomplished as a result of the inspections;
 - c. Time the cleanup was initiated and the time it was completed;
 - d. Initials of person making visual inspection and performing any cleanup; and
 - e. Description of any spillage occurring during petroleum handling, which shall include the date and time of the spill, estimated volume of spill, name of the person observing the spill, date and time the spill was cleaned up, and name of the person cleaning up the spill.
4. Best Management Practices (BMP) are used in draining the diked area. BMP is defined as use of a portable oil skimmer or similar device or the use of an absorbant material to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
5. Monitoring records for dike drainage shall be maintained in the form of a log and shall contain the following information, at a minimum:
 - a. Date and time of discharge;
 - b. Estimated volume of discharge;
 - c. Initials of person making visual inspection and authorizing the discharge.
6. The discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts.
7. The permittee shall submit an **ANNUAL CERTIFICATION** by January 28th that all discharges, during the preceding year, associated with the above were in accordance with the conditions of the permit.

LANDFILL GENERAL PERMIT LIMITS
GENERAL NPDES PERMIT NUMBER ALG160000
PART I

PART I

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application.

DSN004: Exterior vehicle, automobile, and equipment exterior washing operations that DO NOT use solvents and have NOT come in direct contact with solid waste at the landfill facility. 3/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Flow	gal/day	-	Monitor	1/week	Instantaneous <u>2/</u>
pH	s.u.	6.0	8.5	1/month	Grab
Oil and Grease	mg/l	-	15	1/month	Grab
Phosphorus, Total	mg/l	-	1.0	1/month	Grab
Total Suspended Solids	mg/l	-	50	1/month	Grab

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

2/ If flows are intermittent the flow volume may be estimated.

3/ This permit does not allow for the discharge of landfill wastewater as defined by 40 CFR Part 445.2 (f).

PART I

A. DISCHARGE MONITORING REQUIREMENTS APPLICABLE TO ALL DISCHARGES

Monitoring of one storm water outfall within designed drainage area as representative of the remaining outfalls, may be allowed if the applicant submits certification that the discharges are essentially the same. If at a later date the discharges are determined to be dissimilar or if pollutant concentrations are such that water quality standards are contravened, then monitoring of all discharges may be required.

This permit does not allow for the discharge of landfill wastewater as defined by 40 CFR Part 445.2 (f).

B. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

2. Test Procedures

For the purpose of reporting and compliance, permittees shall use the Minimum Level (ML) as established by EPA. All analytical values at or above the ML shall be reported as the measured value. Values below the ML shall be reported as "0". Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this permit the permittee shall use the newly approved method.

For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the permittee during permit issuance, reissuance, modification, or during compliance schedule.

When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all required analyses.

4. Records Retention and Production

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the

permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted unless requested.

- b. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection. A complete copy of the permit, the Best Management Practices (BMP) Plan, most recent BMP inspection records, and, if applicable, a Spill Prevention, Control, and Countermeasures (SPCC) Plan shall be maintained at the facility. The past three years of DMRs, laboratory records, and historical BMP inspection and training records may be kept at an alternate Alabama location if approved by the Department.

5. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every 12 months.

C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

- a. This permit requires twice monthly, monthly, quarterly, and semiannual self monitoring. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MONTHLY AND MORE FREQUENTLY THAN MONTHLY shall be conducted during the first full month following the effective date of initial coverage under this permit and every month thereafter.

QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first full quarter following the effective date of initial coverage and each quarter thereafter.

SEMI-ANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The permittee shall conduct the semi-annual monitoring during the first complete six-month period following the effective date of initial coverage and each six-month period thereafter.

ANNUAL MONITORING shall be conducted at least once during the period of January through December. If six or more months are remaining in the first monitoring period after initial coverage, the annual monitoring shall be conducted and then once each twelve-month period thereafter.

- b. The permittee shall submit discharge monitoring reports (DMRs) on the forms provided by the Department and in accordance with the following schedule:

REPORTS OF MORE FREQUENTLY THAN MONTHLY, MONTHLY, QUARTERLY, AND SEMI-ANNUAL MONITORING shall be submitted on a semiannual basis. The semiannual reports shall be submitted so that they are received by the Department no later than the 28th day of July and the 28th day of January and each submittal shall report results of all testing performed during the six month period preceding the reporting month. For example, the semiannual report due on January 28 should report the results of testing conducted during the months of July through December.

REPORTS OF ANNUAL TESTING shall be submitted on an annual basis. The annual reports shall be submitted so that they are received by the Department no later than the 28th day of January and each submittal shall report results of all annual testing performed during the twelve month period preceding the reporting month. For example, the annual report due on January 28

should report the results of testing conducted during the previous months of January through December.

- c. The Department is utilizing a web-based electronic environmental (E2) reporting system for submittal of DMRs. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. If the permittee is not already participating in the E-DMR system, within 180 days of coverage under this permit, permittees must apply for participation in the E-DMR system unless the facility submits in writing valid justification as to why they cannot participate and the Department approves in writing utilization of hard copy DMR submittals. To participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes>. If the electronic environmental (E2) reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the E2 system is down on the 28th day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the E2 system resuming operation, the permittee shall enter the data into the E2 reporting system, unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date). If a permittee is allowed to submit via the US Postal Service, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit. If the permittee, using approved analytical methods as specified in Provision I. B. 2. monitors any discharge from a point source for a limited substance identified in Provision I. A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form and the increased frequency shall be indicated on the DMR Form. In the event no discharge from a point source identified in Provision I. A of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR Form.

- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and regulations, shall be electronically signed (or if allowed by the Department, traditionally signed) by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-6-.09 and shall bear the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- e. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and being submitted via the US Postal Service, shall be addressed to:

Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
Attention: Environmental Data Section / Information Systems Branch

- f. All submittals required by this permit shall bear identification of the permittee by permitted name and permit number.

2. Noncompliance Notification

- a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)", (2) threatens human health or welfare, fish or aquatic life, or water quality standards, (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4), (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass, upset, (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director electronically a report (or if acceptable to the Department a written report) as provided in Provision I. C. 2. c. no later than five (5) days after becoming aware of the occurrence of such discharge.
- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director a report as provided in Provision I. C. 2. c. below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Provision I. C. 1. of this permit after becoming aware of the occurrence of such noncompliance.
- c. Any electronic report (or if acceptable to the Department a written report) required to be submitted to the Director by Provision I. C. 2 a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form provided with this permit and shall include the following information:
 - (1) A description of the discharge and cause of noncompliance;
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility, which may result in noncompliance with permit requirements. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

2. Termination of Discharge

The permittee shall notify the Director, in writing, when any point source discharges authorized by this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for termination of the permittees authority to discharge under this General Permit.

3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or office having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the Notice of Intent.

- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent, or submitted incorrect information in the Notice of Intent; or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

4. Duty to Provide Information

- a. Any permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.
- b. Any or all permittees shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit.

5. New or Increased Discharges

If there is an increase in pollution potential of the discharges from the permittee's facility the permittee must notify the Director in writing. The Director may at his discretion determine under Part II.F. of this permit what action if any will be taken.

E. SCHEDULE OF COMPLIANCE

- 1. The permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

**COMPLIANCE SHALL BE ACHIEVED
ON THE EFFECTIVE DATE OF COVERAGE UNDER THIS PERMIT**

If required, no later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

PART II

A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT

- 1. Notice of Intent

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit and the appropriate discharge monitoring report forms. **The permittee must complete and submit all Departmental forms available electronically, including the E-NOI, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.** Departmental forms are available on ADEM's webpage at <http://www.adem.state.al.us/DeptForms/>.

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

2 Content of Notice of Intent

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
 - (1) A Notice of Intent shall be electronically signed (or if acceptable to the Department, traditionally signed) by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.
 - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

2. Best Management Practices

- a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 if required thereby.
- c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV of this permit.

3. Spill Prevention, Control, and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

C. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation of

this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

2. Right of Entry and Inspection

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

D. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
 - (1) It does not cause any discharge limitation specified in Provision I. A. of this permit to be exceeded;
 - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or
 - (3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I. A. of this permit if:
 - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
 - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass. This request must be submitted electronically unless acceptable to the Department to submit otherwise.
- d. The permittee has the burden of establishing that each of the conditions of Provision II. D. 1. b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

2. Upset

- a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:
 - (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
 - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II D. 2. a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I. A. of this permit.

E. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of storm waters and/or process water shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.

4. Compliance With Statutes and Rules

- a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of

this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, AL 36110.

- b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

F. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, REISSUANCE, AND TERMINATION

1. Duty to Reapply or Notify of Intent to Cease Discharge

- a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit an E-NOI or Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall be submitted at least 90 days prior to the expiration date of this General Permit.
- b. Failure of the permittee to submit the appropriate application material for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code Rule 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

2. Change in Discharge

- a. The permittee shall give notice to the Director at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in:

- (1) The discharge of additional pollutants;
- (2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded;
- (3) Or that could result in an additional discharge point.

This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual permit.

- b. The permittee shall notify the Director as soon as it is known or there is reason to believe:

- (1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (a) One hundred micrograms per liter;
 - (b) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;
 - (c) Five times the maximum concentration value reported for that pollutant in the permit application; or
- (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (a) Five hundred micrograms per liter;

- (b) One milligram per liter for antimony;
- (c) Ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit to identify the new permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

4. Permit Modification, Revocation and Reissuance (of Modified General or Individual) and Termination

- a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, Rule 335-6-6-.21, modify or revoke and reissue this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:
 - (1) There are material and substantial alterations or additions to the facility or activity generating the discharges which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
 - (2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
 - (3) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
 - (4) Upon the failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
 - (5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to discharge under 40 CFR 125.3(c);
 - (6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;
 - (7) If the permit limitations are found not to be protective of water quality standards;
 - (8) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
 - (9) When required by the reopener conditions in this permit, and
 - (10) For any applicable cause set forth in ADEM Administrative Code Rule 335-6-6-.17.
- b. Subject to the public notice procedures of ADEM Administrative Code Rule 335-6-6-.21, the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II.F.4.a.

- c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
 - (1) Noncompliance with the permit;
 - (2) Noncompliance with Department Rules;
 - (3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment based limits applicable to the discharge;
 - (4) The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;
 - (5) Materially false or inaccurate statements or information in the permit application or the permit;
 - (6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - (7) The permittee's discharge threatens human life or welfare;
 - (8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and
 - (9) New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C),(D),(E),and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee.
 - d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code Rule 335-6-23 (7), or termination and issuance of an individual permit under ADEM Administrative Code Rule 335-6-6-23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.
5. Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.
- a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General permit shall automatically terminate. Reasons for this requirement may be:
 - (1) Noncompliance with the General Permit;
 - (2) Noncompliance with Department Rules;
 - (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;
 - (4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;
 - (5) A water quality management plan applicable to the wastewater being discharged under this General Permit;

- (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
- (7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
- (8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
 - (i) the location of the discharges with respect to waters of the state,
 - (ii) the size of the discharger, and
 - (iii) the quantity and nature of the pollutants discharged to waters of the state.
- (9) A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

6. Request for an Individual NPDES Permit by a Person Covered Under This General Permit.

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.
- b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.
- c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

7. Request for Permit Action Does Not Stay Any Permit Requirement

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I, A. of this permit, or controls a pollutant not limited in Provision I, A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

PART III

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under Rule 335-6-6-.18.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

- (1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;
- (2) An action for damages;
- (3) An action for injunctive relief; or
- (4) An action for penalties.

4. Relief From Liability

Except as provided in Provision II. D. 1. (Bypass) and Provision II. D. 2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

C. PROPERTY AND OTHER RIGHTS

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the state or of the United States.

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

E. COMPLIANCE WITH WATER QUALITY STANDARDS

1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of a water quality standard or stream use classification.
2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require the permittee to take abatement action or apply for an individual permit pursuant to the Department's Rules, or both.
3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification.

F. GROUNDWATER

Unless specifically authorized by a permit issued by the Department, the discharge of pollutants to groundwater is prohibited. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

G. DEFINITIONS

1. Authorization – means granted the privilege of discharging under the terms of this General Permit.
2. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
3. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
4. AWPCA - means the Alabama Water Pollution Control Act.
5. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
6. Daily discharge - means the discharge of a pollutant measured during any consecutive 24 hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. Daily maximum - means the highest value of any individual sample result obtained during a day.
8. Daily minimum - means the lowest value of any individual sample result obtained during a day.
9. Day - means any consecutive 24-hour period.
10. Department - means the Alabama Department of Environmental Management.

11. Director - means the Director of the Department.
12. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
13. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
14. EPA - means the United States Environmental Protection Agency.
15. FWPCA - means the Federal Water Pollution Control Act.
16. Landfill Wastewater as defined by 40 CFR Part 445.2 (f) means all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.
17. Notice of Intent – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.
18. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
19. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
20. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
21. Qualified Credentialed Professional or QCP means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc. Other registered or certified professionals such as registered landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that can enable recognized individuals to prepare CBMP's to makes sound professional judgments regarding Alabama NPDES rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.
22. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
23. Shock chlorination – means the periodic use of chlorine in cooling water systems as a biocide.
24. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error,

improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

25. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
26. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

H. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART IV

A. STORM WATER MEASUREMENT AND SAMPLING

1. Storm Water Measurement
 - a. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.
 - b. The storm water event must be monitored, including the date and rainfall (in inches) for the storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
 - c. During the sampling storm event, rainfall must be reported and may be measured using a rain gauge. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
2. Storm Water Sampling
 - a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.
 - b. All test procedures will be in accordance with Part I.B.2. of this permit.

B. BEST MANAGEMENT PRACTICES (BMP) PLAN

1. Plan Content for Landfill Activities: The permittee shall prepare (or as required have a QCP prepare) and implement a best management practices (BMP) plan which shall:
 - a. Provide control sufficient to prevent or control pollution of storm water by soil particles to the degree required to prevent violation of the turbidity water quality standard applicable to the waterbody receiving the discharge;

- b. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance and repair activities and thereby prevent the contamination of storm water from these substances;
- c. Prevent or minimize the storm water contact with material stored on site;
- d. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
- e. Provide for at a minimum, two inspections a week, on days during which the facility is manned, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;
- f. If spillage is a factor during loading and unloading of bulk material, provide for prevention of the mixing of spillage with discharged storm water;
- g. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
- h. Prevent the pollution of storm water by animal wastes;
- i. Bear the signature of the landfill manager or corporate official;
- j. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit;
- k. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes;
- l. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.

2. Plan Content for Construction Activities

- a. A Qualified Credentialed Professional must prepare the BMP Plan that addresses the land disturbance activities. Permittee shall implement a BMP Plan describing structural and non-structural practices which will be implemented and maintained to prevent/minimize the discharge of all sources of pollution (i.e., sediment, trash, garbage, debris, oil & grease, chemicals, materials, etc.) to State waters in storm water runoff. The Plan must be designed to address the following goals: (1) to divert upslope water around the site; (2) to limit the exposure of disturbed areas to precipitation to the shortest amount of time possible; (3) to minimize the amount of surface area that is disturbed; and (4) to remove sediment, nutrients, and other pollutants from the storm water before it leaves the site.
- b. The BMP Plan means implementation and continued maintenance of effective structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge. The Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) March 2009 edition and current industry standards shall be used as necessary to maintain compliance.
- c. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.

- d. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit.
 - e. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes.
 - f. All construction and worker debris (e.g., trash, garbage, etc.) must be immediately removed and disposed of in an approved manner. No rubbish, trash garbage, refuse, or other such materials shall be discharged into waters of the State of Alabama.
 - g. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.
 - h. All materials used as fill for construction purposes must be non-toxic, non-acid forming and free of solid waste or other debris unless approved by the Department.
 - i. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
 - j. Bear the signature of the landfill manager or corporate official.
3. Compliance Schedule: The permittee shall have prepared and fully implemented the BMP upon the date coverage is granted.
4. Department Review
- a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.
 - b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.
 - c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.
5. Administrative Procedures
- a. A copy of the BMP shall be maintained at the landfill and shall be available for inspection by representatives of the Department.
 - b. A log of the twice per week inspections required above shall be maintained at the landfill and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed and any corrective actions taken for the last three years and each entry shall be signed by the person performing the inspection.
 - c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.
 - d. **BMP Plan Modification**. The permittee shall amend the BMP plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

C. DISCHARGE(S) TO IMPAIRED WATERS REQUIREMENTS

1. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharge(s) to 303(d) Listed Waters

This permit does not authorize new sources or new dischargers of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA-established TMDL and/or on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.C., if its discharge does not meet this criterion, Part IV.C. does not apply to the facility.

b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30th of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

c. If the facility discharges to a waterbody described above, it must also determine whether a total maximum daily load (TMDL) has been developed and established or approved by EPA for the listed waterbody. If a TMDL is established or approved during this permit cycle by USEPA for any waterbody into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of storm water discharges. By April 30th of the following year or within 6 months of such approval of the applicable TMDL or establishment of TMDL by EPA (whichever is longer), the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL. Revised BMP plans must be submitted to the Department for review. The facility must include a monitoring component in the BMP plan to assess the effectiveness of the BMPs in achieving the allocations. If the facility cannot ensure its discharges will not cause or contribute to impairment, then the facility must apply for and obtain permit coverage under an individual permit.

2. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharges into Waters with EPA-Approved or EPA-Established TMDLs

a. The facility must determine whether the EPA-approved or EPA-Established TMDL is for a pollutant likely to be found in discharges from its facility.

b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.

c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocation provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.

d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.

- e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.C.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.
- f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.C.2.d.-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.C.2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

3. Requirements for New or Revised BMP Plans

New or revised BMP plans developed in accordance with Parts IV.C.1 and IV.C.2 above must be submitted to the Department for review by April 30th of the year following EPA approval of the 303(d) list or applicable TMDL or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer).

Pearce, Jennifer

From: Guzman, Humberto
Sent: Monday, July 13, 2015 1:03 PM
To: Jones, Laurie; Olone, Dan; Dromgoole, Ahmad
Subject: RE: Arrowhead call scheduling
Attachments: Arrowhead Landfill Uniontown.070115.docx

Laurie and Ahmad,

I put this timeline (attached) together for Dan.

H

From: Jones, Laurie
Sent: Monday, July 13, 2015 12:44 PM
To: Olone, Dan; Guzman, Humberto; Dromgoole, Ahmad
Subject: RE: Arrowhead call scheduling

ADEM said that 2:30 will work for them. Let's plan to get together at 2:15 to talk before the call:
MIES # 404-562-9928 Pin: 629928
Room 15G

Laurie Jones
Environmental Engineer
Municipal and Industrial NPDES Enforcement Section
Clean Water Enforcement Branch
Region 4 EPA
phone: (404) 562-9201

CONFIDENTIALITY NOTICE: This message and any attachments from the U.S. Environmental Protection Agency may contain CONFIDENTIAL and legally protected information. If you are not the addressee or intended recipient, please do not read, print, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system.

From: Olone, Dan
Sent: Monday, July 13, 2015 12:22 PM
To: Jones, Laurie; Guzman, Humberto; Dromgoole, Ahmad
Subject: RE: Arrowhead call scheduling

Will do.

Whatever time is set up we need to talk about 15 minutes prior to that.

Dan

Daniel J. O'Lone, Chief
Stormwater & Residuals Enforcement Section
NPDES Permitting & Enforcement Branch
United States Environmental Protection Agency, Region 4
olone.dan@epa.gov
(ofc) 404-562-9434
(c) 404-783-8342

"The single biggest problem in communication is the illusion that it has taken place."

George Bernard Shaw

Please do not distribute this message outside the Agency as some of the information contained herein may be subject to a privilege under FOIA.

From: Jones, Laurie
Sent: Monday, July 13, 2015 11:26 AM
To: Olone, Dan; Guzman, Humberto; Dromgoole, Ahmad
Subject: Arrowhead call scheduling

Hi guys,
I reached out to ADEM and proposed that we have a call to discuss the issues at Arrowhead at one of the following times:
Today at 2-3 EST
Tomorrow at 11-12 EST
Please hold these times open until we hear back from them- thanks!

Laurie Jones
Environmental Engineer
Municipal and Industrial NPDES Enforcement Section
Clean Water Enforcement Branch
Region 4 EPA
phone: (404) 562-9201

CONFIDENTIALITY NOTICE: This message and any attachments from the U.S. Environmental Protection Agency may contain CONFIDENTIAL and legally protected information. If you are not the addressee or intended recipient, please do not read, print, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system.

Pearce, Jennifer

From: Olone, Dan
Sent: Monday, June 15, 2015 2:32 PM
To: Guzman, Humberto
Cc: Dromgoole, Ahmad; Jones, Laurie
Subject: Re: Arrowhead Landfill

Thanks H. We can talk later this week (after Wednesday).
Dan

Sent from my iPhone

On Jun 15, 2015, at 2:04 PM, Guzman, Humberto <Guzman.Humberto@epa.gov> wrote:

Ahmad,
How are you today? Attached are the photos that ADEM received from the landfill. I spoke to Evan Roberts today, and confirmed what you and I discussed the other day. My interpretation of what happened is correct. The landfill has stabilized the cleared area that was causing the muddy water discharge. Evan said that the area has had lots of rain recently, and that water had collected and probably flowed from the property on days when it was not raining. He also said that the landowner, Mr. Gibson, was invited on the inspection by the landfill. Evan also called Mr. Adam Johnson after the inspection.

H

From: Roberts, Evan L [<mailto:ELRoberts@adem.state.al.us>]

Sent: Monday, June 15, 2015 11:12 AM

To: Guzman, Humberto

Subject: Arrowhead Landfill

Attached: the operator's response, plus the powerpoint version of my inspection photos.

Evan Roberts

Facility Unit

Birmingham Branch

Field Operations Division

Alabama Department of Environmental Management

110 Vulcan Road

Birmingham, Alabama 35209-4702

(205) 917-2487

adem.alabama.gov

ADEM

Pearce, Jennifer

From: Guzman, Humberto
Sent: Monday, June 15, 2015 2:04 PM
To: Dromgoole, Ahmad
Cc: Olone, Dan; Jones, Laurie
Subject: FW: Arrowhead Landfill
Attachments: Arrowhead Landfill response 06-08-2015.pdf; Arrowhead.pptx

Ahmad,

How are you today? Attached are the photos that ADEM received from the landfill. I spoke to Evan Roberts today, and confirmed what you and I discussed the other day. My interpretation of what happened is correct. The landfill has stabilized the cleared area that was causing the muddy water discharge. Evan said that the area has had lots of rain recently, and that water had collected and probably flowed from the property on days when it was not raining. He also said that the landowner, Mr. Gibson, was invited on the inspection by the landfill. Evan also called Mr. Adam Johnson after the inspection.

H

From: Roberts, Evan L [mailto:ELRoberts@adem.state.al.us]
Sent: Monday, June 15, 2015 11:12 AM
To: Guzman, Humberto
Subject: Arrowhead Landfill

Attached: the operator's response, plus the powerpoint version of my inspection photos.

Evan Roberts
Facility Unit
Birmingham Branch
Field Operations Division
Alabama Department of Environmental Management
110 Vulcan Road
Birmingham, Alabama 35209-4702
(205) 917-2487
adem.alabama.gov

ADEM

H. LOWRY TRIBBLE, JR., P.E.
WILLIAM F. HODGES, P.E.
W. MICHAEL STUBBS, P.E.
R. BRANT LANE, P.E.
CLINT L. COURSON, CHMM
K. MATTHEW CHEEK, P.E.
DANIEL E. CHEEK, P.E.
KEVIN G. BERRY, P.E.

HHNT
— HODGES, HARBIN, —
NEWBERRY & TRIBBLE, INC.
Consulting Engineers

NATHAN D. DUNN, P.E.
RYAN S. WILLOUGHBY, P.E.
WILLIAM A. GRANICH, P.E.
ROBERT D. HELLER, CHMM
ERIC P. JACKSON, P.E.
DAVID E. BATTSON, P.E.
RYAN S. PETERS, P.E.
WILLIAM M. REESE, P.E.

June 8, 2015

Ms. Dodi Moseley
Industrial General Permit Section, Southwest
Industrial/ Municipal Branch
Water Division
1400 Coliseum Boulevard
Montgomery, AL 36110

**RE: Arrowhead Landfill
Compliance Evaluation Inspection – Photographic Documentation
General NPDES Permit No. ALG160167
HHNT Project No. 3006-029-13**


Dear Ms. Moseley,

Please find attached photographic documentation of the seeding and mulching that has been applied in the disturbed areas noted during the facility inspection on April 17, 2015. In accordance with the ADEM response letter from Ms. Lee Warren dated May 22, 2015, we will submit follow up photographic documentation showing the establishment and maintenance of vegetation in these areas within 90 days of receipt of the letter (before August 20, 2015).

Should you have any questions, please call.

Sincerely,

HODGES, HARBIN, NEWBERRY & TRIBBLE, INC.


Clint L. Courson, CHMM
Environmental Scientist

CLC/kw

cc: Lee Warren (w/ enclosure)
Evan Roberts (w/ enclosure)
Ernest Kaufmann (w/ enclosure)
Oscar Allen (w/ enclosure)
Thad Owings (w/ enclosure)
James Ashburn (w/ enclosure)
Michelle Coleman (w/ enclosure)





PHOTO 1: Area northwest of scalehouse/ office



PHOTO 2: Area northwest of scalehouse/ office

Project No: 3006-029-13

Date: June 2015

Sheet 1 of 3

Arrowhead Landfill

**Photographic Documentation of Seeding & Mulching:
Disturbed Area Adjacent to Scalehouse/ Office and
Disturbed Areas Adjacent to Leachate Tank**



**HODGES, HARBIN,
NEWBERRY & TRIBBLE, INC.**
Consulting Engineers



PHOTO 3: Area northwest of scalehouse/ office



PHOTO 4: Area adjacent to leachate tank

Project No: 3006-029-13
 Date: June 2015
 Sheet 2 of 3

Arrowhead Landfill
 Photographic Documentation of Seeding & Mulching:
 Disturbed Area Adjacent to Scalehouse/ Office and
 Disturbed Areas Adjacent to Leachate Tank

HHNT
 HODGES, HARBIN,
 NEWBERRY & TRIBBLE, INC.
Consulting Engineers



PHOTO 5: Area adjacent to leachate tank



PHOTO 6: Area adjacent to leachate tank

Project No: 3006-029-13

Date: June 2015

Sheet 3 of 3

Arrowhead Landfill

Photographic Documentation of Seeding & Mulching:
Disturbed Area Adjacent to Scalehouse/ Office and
Disturbed Areas Adjacent to Leachate Tank

HHNT

HODGES, HARBIN,
NEWBERRY & TRIBBLE, INC.
Consulting Engineers

Perry County Associates, LLC
Arrowhead Landfill
ALG160167

Perry County
Evan Roberts
April 17, 2015

Roadside ditch. Stormwater ditch on landfill property, near southeast corner.



Turbidity at this point was 118 NTUs.

No vegetation or other stabilization on area not actively in use.



Upgradient of previous photo. Concrete pipes were stored here.

Stormwater ditch downgradient of previous photo.



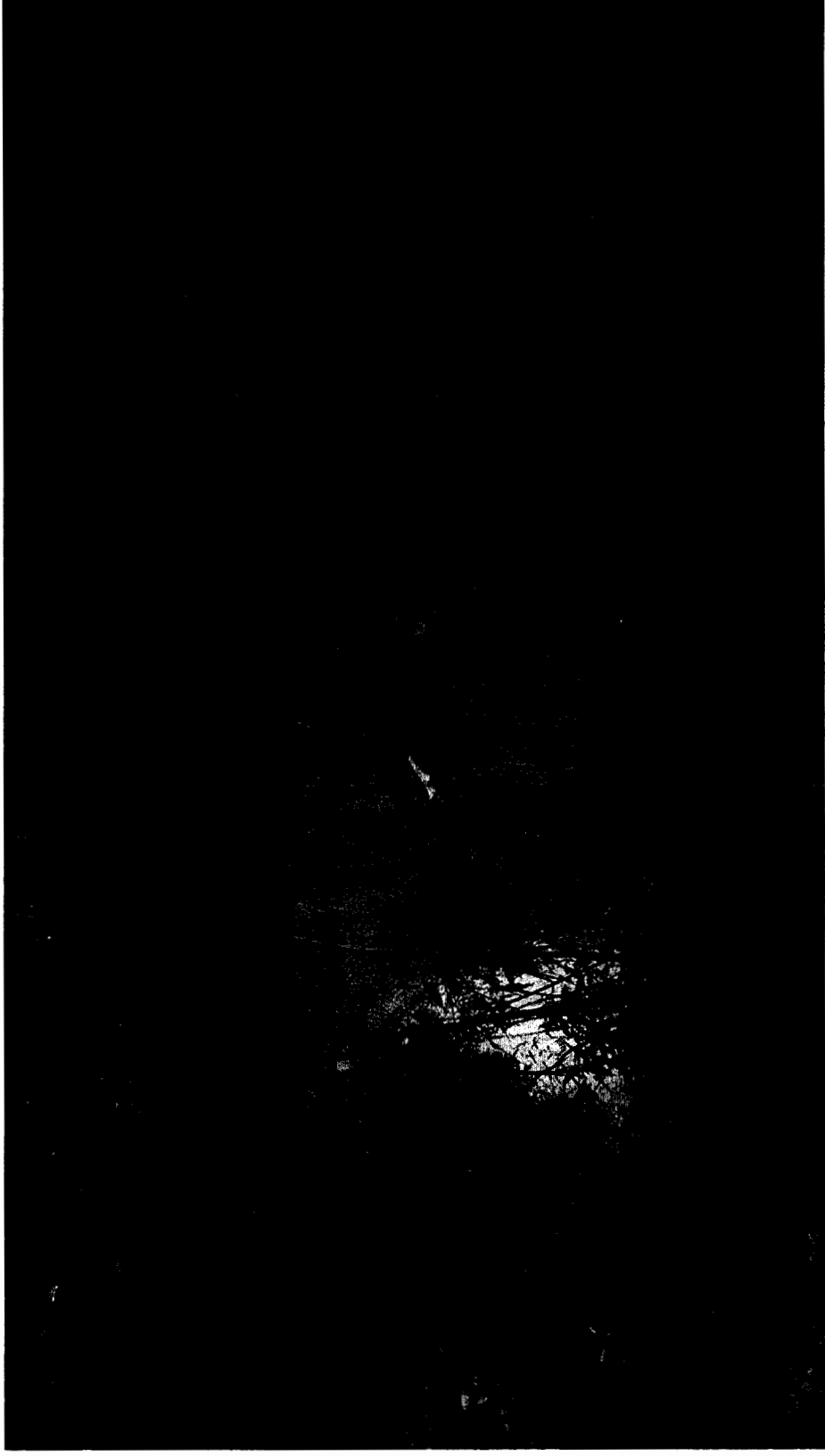
Stormwater ditch downgradient of previous photo.



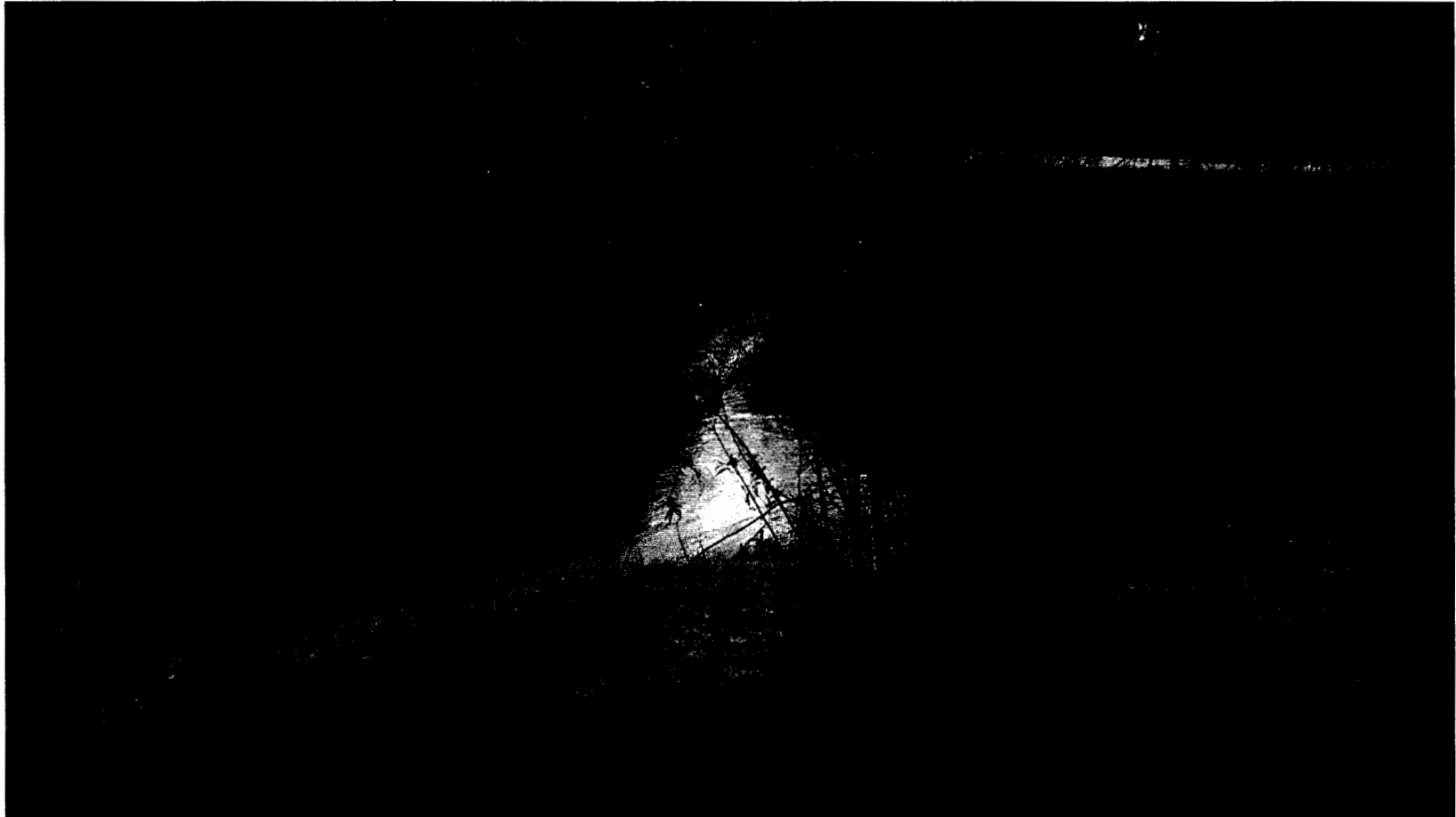
Downgradient of previous photo.



Downgradient of previous photo and upgradient of first photo.



Drainage ditch downgradient of first photo.



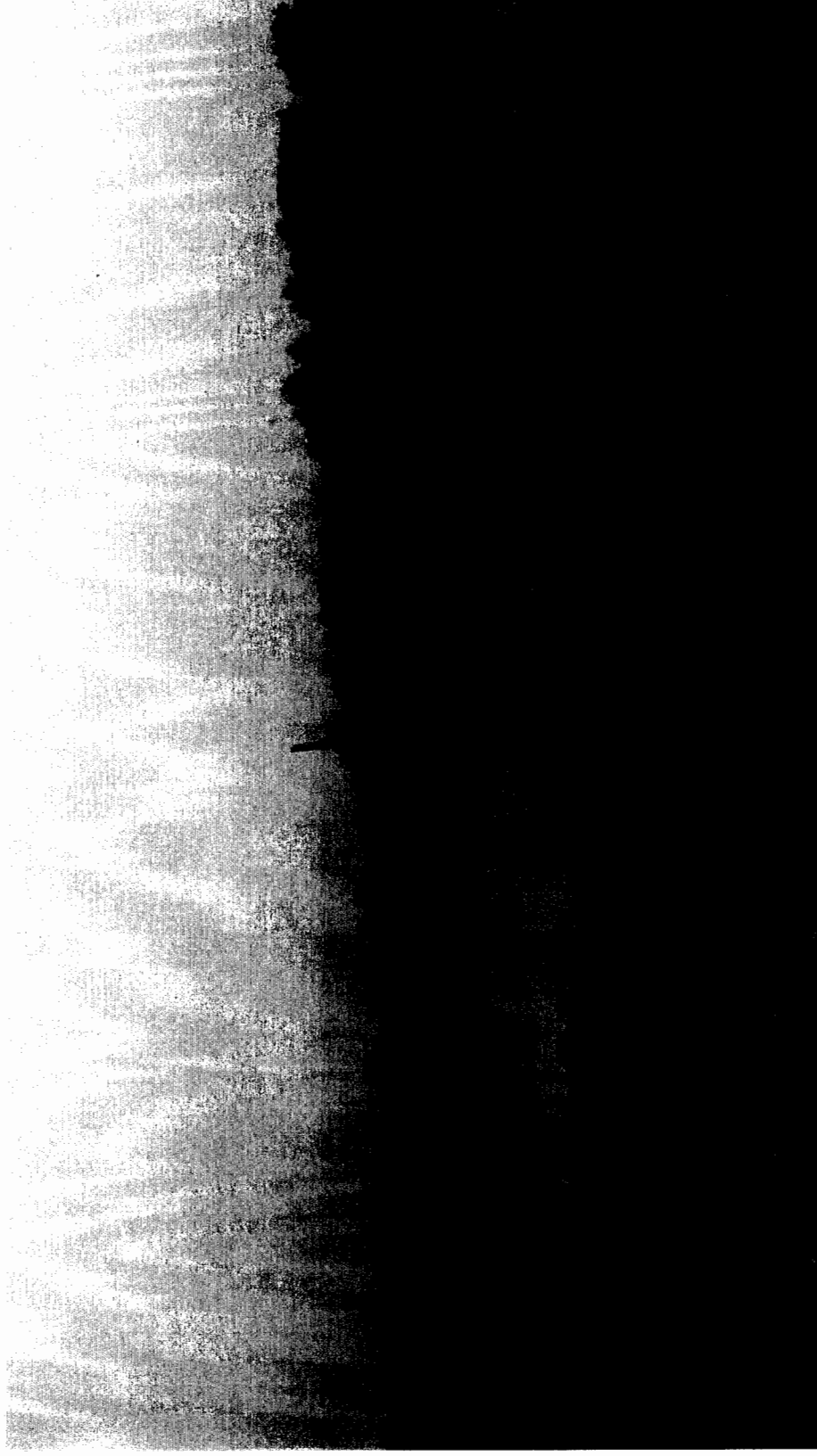
Visible plume of turbid water in an unnamed tributary to Chilatchee Creek.
Turbidity upstream of this point was 34.5 NTUs.

Unnamed tributary to Chilatchee Creek downstream of previous.



Turbidity at this point was 55.7 NTUs, an increase of 21.2 NTUs.

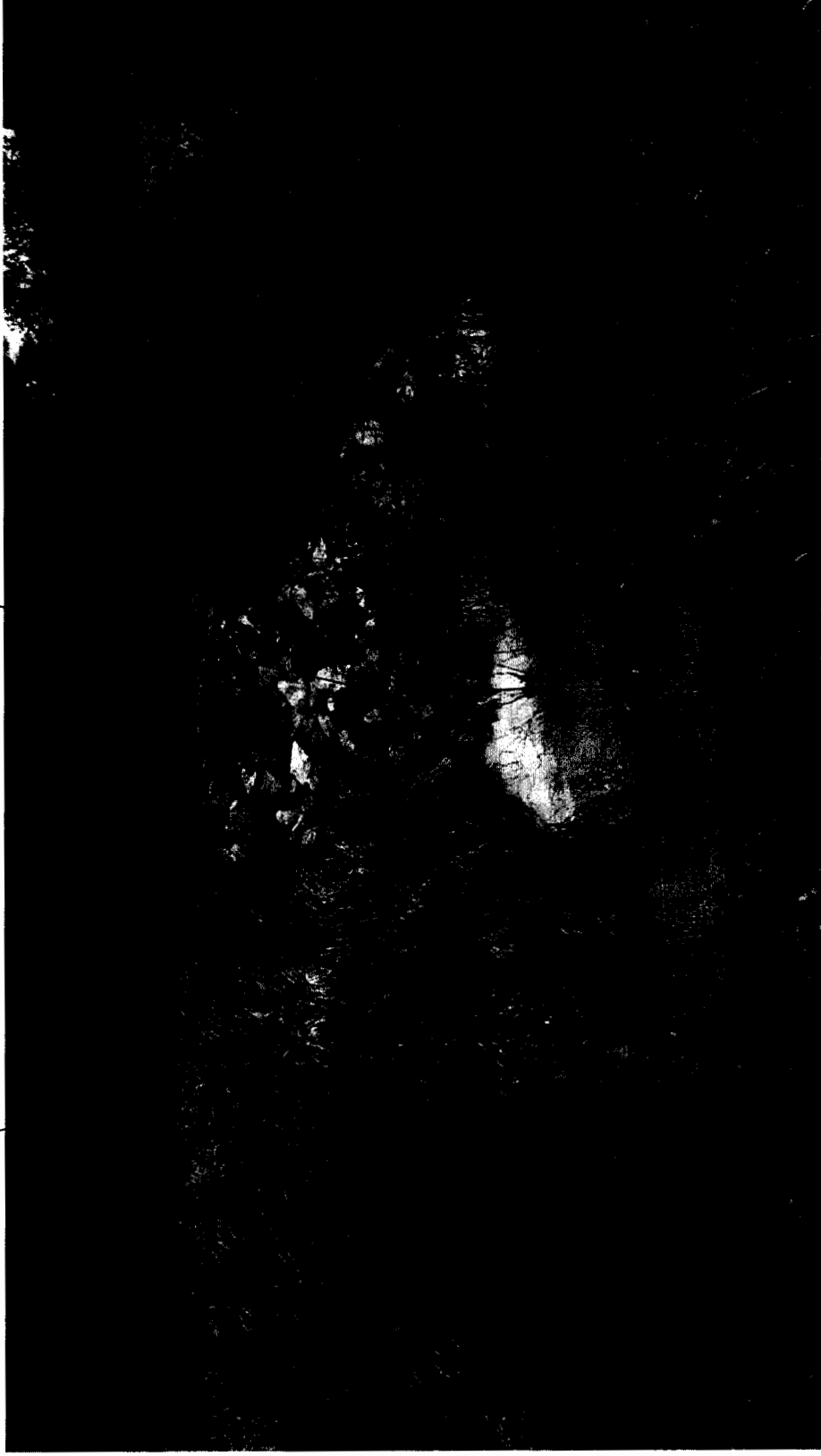
Pond for DSN 001-2.



DSN 001-2 sampling point.



Ditch downgradient of previous photo. Turbid water observed here.



Ditch downgradient of previous photo.



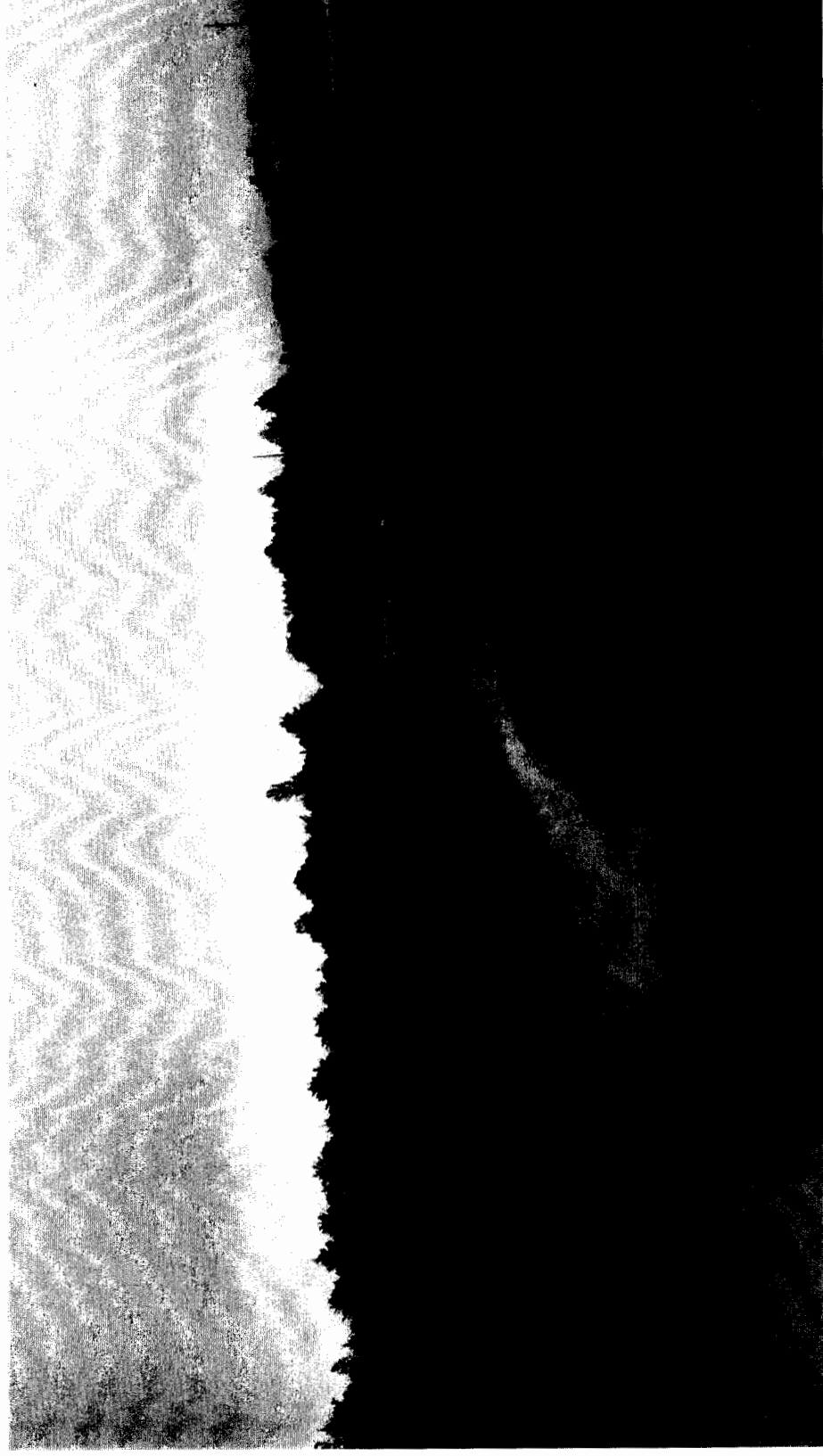
Upgradient of drainage ditch in previous photos. No stabilization.



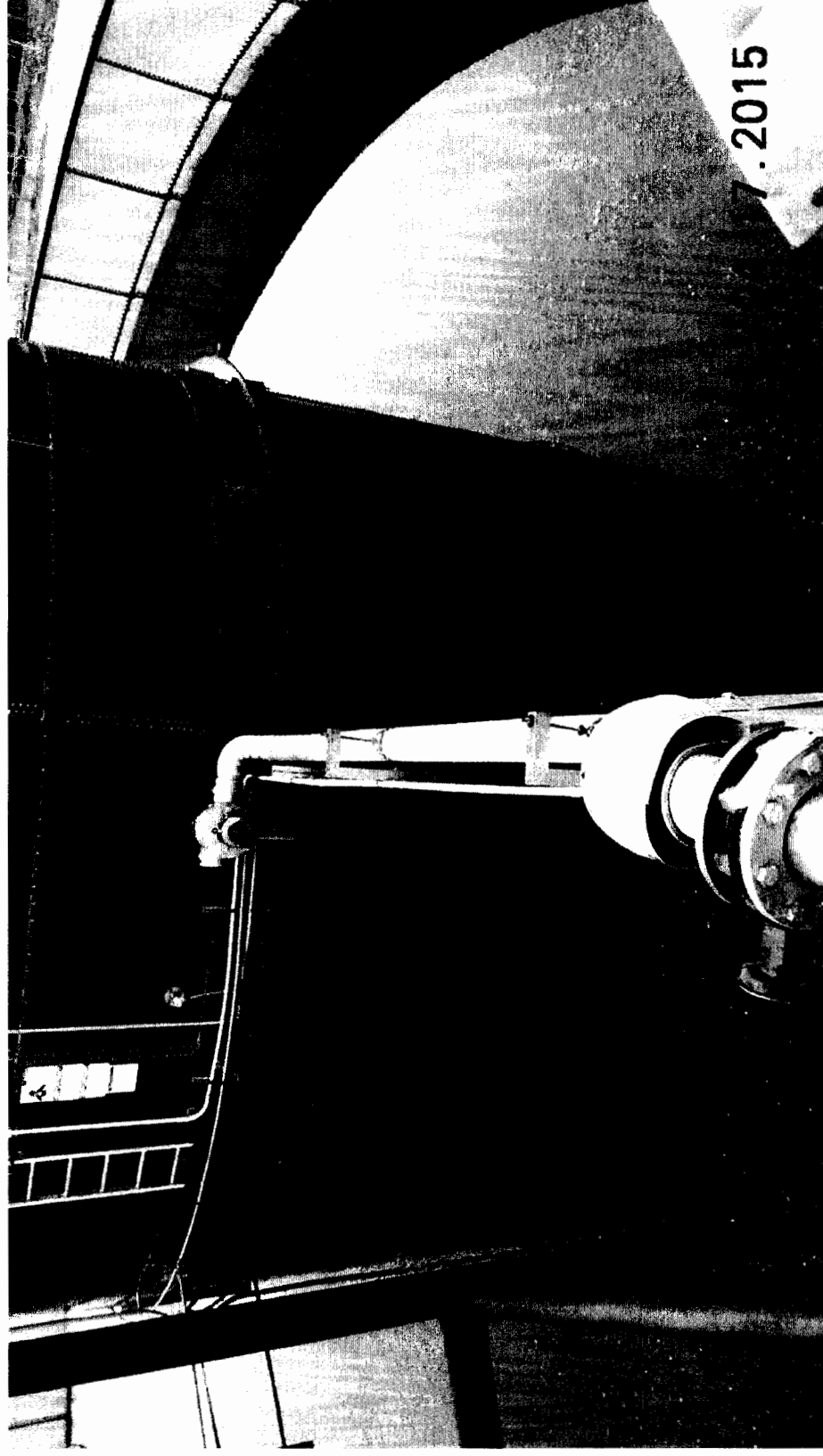
Upgradient of drainage ditch in previous photos. No stabilization.



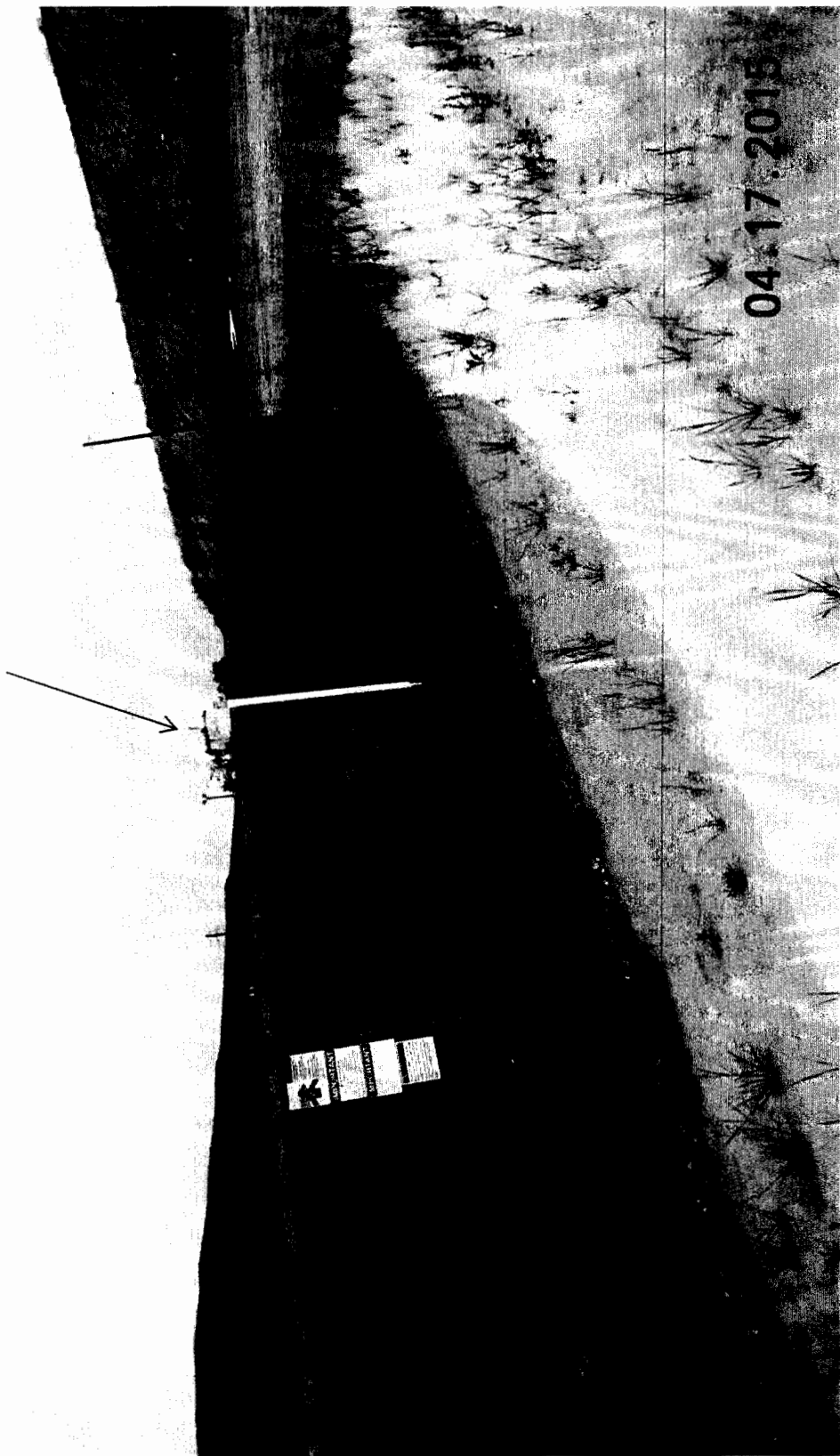
Turbid water upgradient of drainage ditch.



Leachate tank with secondary containment.



Drain valve for secondary containment structure.



Pond for DSN 001-1.



DSN 001-1.



Pearce, Jennifer

From: Houda, Tara
Sent: Thursday, June 04, 2015 7:57 AM
To: Dromgoole, Ahmad; Jones, Laurie
Subject: FW: Arrowhead landfill takes coal ash, on NPR

This talks about that inspection we were wanting to know more about.

From: Ireland, Sean
Sent: Thursday, May 28, 2015 6:11 PM
To: Houda, Tara; Francendese, Leo; Simonson, Davy; Olone, Dan; Jones, Laurie; Ireland, Laurie; Zimmer, Andrea
Subject: Arrowhead landfill takes coal ash, on NPR

You've all touched on this at some point, so 'thought you'd be interested to hear Arrowhead Landfill made it onto NPR's MarketPlace yesterday evening.

<http://www.marketplace.org/topics/business/mixed-feelings-landfill-run-deep-tennessee>

Pearce, Jennifer

From: Jones, Laurie
Sent: Tuesday, June 02, 2015 5:21 PM
To: Ireland, Sean; Dromgoole, Ahmad; Houda, Tara
Cc: Olone, Dan; Horsey, Maurice
Subject: FW: Arrowhead Landfill
Attachments: 17668_ALG160167_105_04-17-2015_INSPR_LDG_PHOTOS.pdf; 17668_ALG160167_105_04-17-2015_INSPR_LDG_NA.pdf; 17668_ALG160167_105_05-12-2015_CORR_ELR_NA.pdf; 17668_ALG160167_105_05-22-2015_CORS_KTR_ADDL_INFO_NEEDED-CEI_RESPONSE.pdf

Hi,

Here are the inspection reports and follow up actions by ADEM we discussed. Please let me know when y'all are ready and I'll set up a call with her, thanks!

From: Warren, Lee [mailto:DLW@adem.state.al.us]
Sent: Tuesday, June 02, 2015 4:14 PM
To: Jones, Laurie
Subject: Arrowhead Landfill

Laurie,

RE: Perry County Associates LLC
Arrowhead Landfill
General NPDES Permit Number ALG160167
622 Tayloe Road
Uniontown, AL 36786
Perry County

Attached are the requested documents involving Arrowhead Landfill.

I will try to call you in a few minutes.

Thanks,

Lee

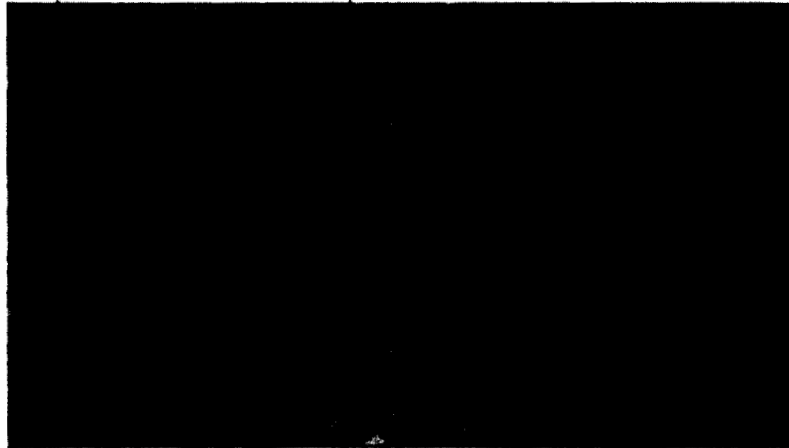
Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845



Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).

**Perry County Associates, LLC
Arrowhead Landfill
ALG160167
Perry County
Evan Roberts
April 17, 2015**

Roadside ditch. Stormwater ditch on landfill property, near southeast corner.



Turbidity at this point was 118 NTUs.

No temporary stabilization on area used for storage of concrete pipes.



Upgradient of previous photo.

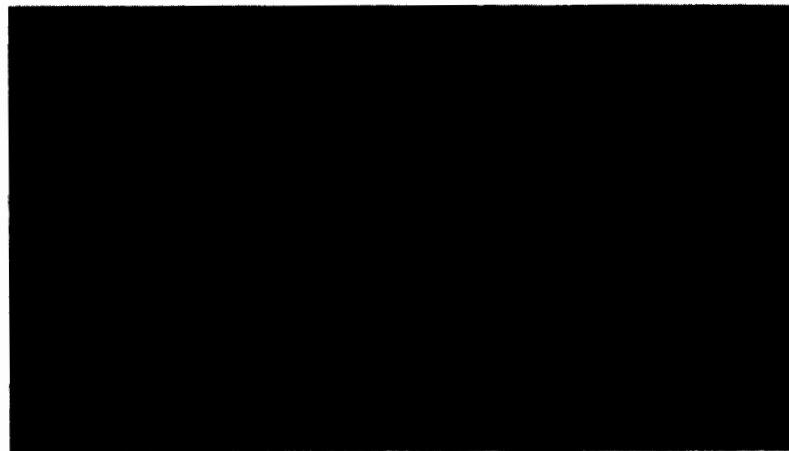
Stormwater ditch downgradient of previous photo.



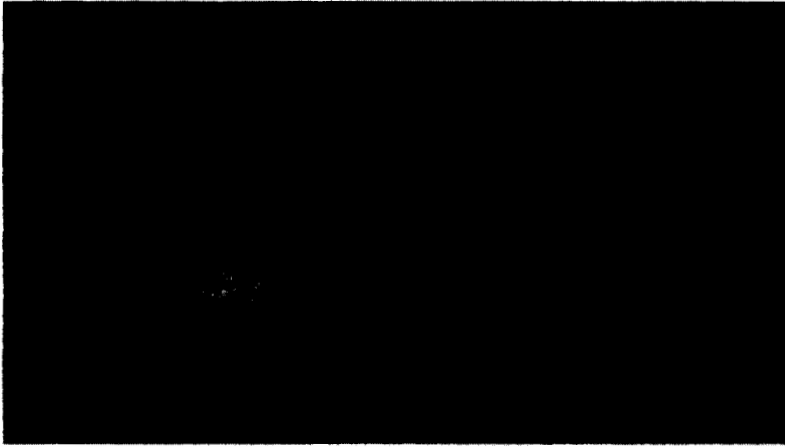
Stormwater ditch downgradient of previous photo.



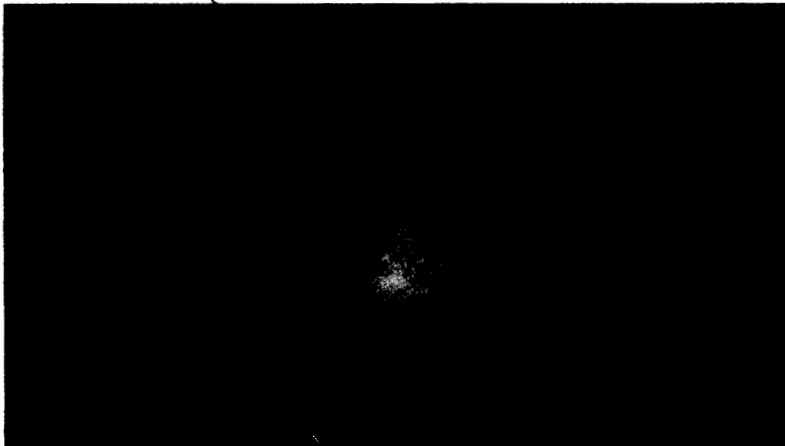
Downgradient of previous photo.



Downgradient of previous photo and upgradient of first photo.

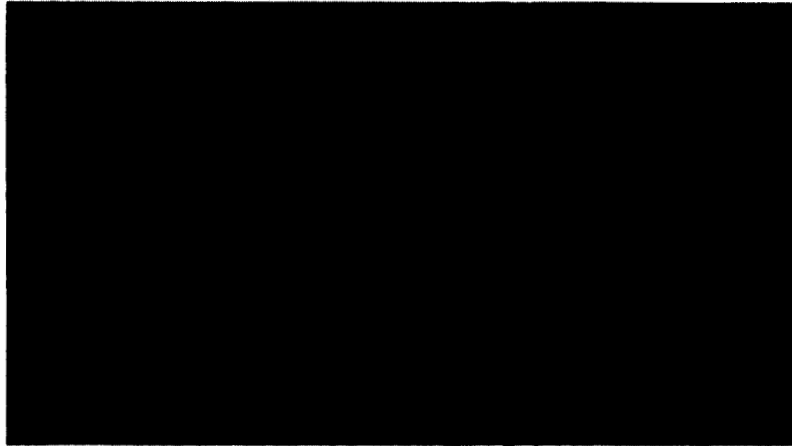


Drainage ditch downgradient of first photo.



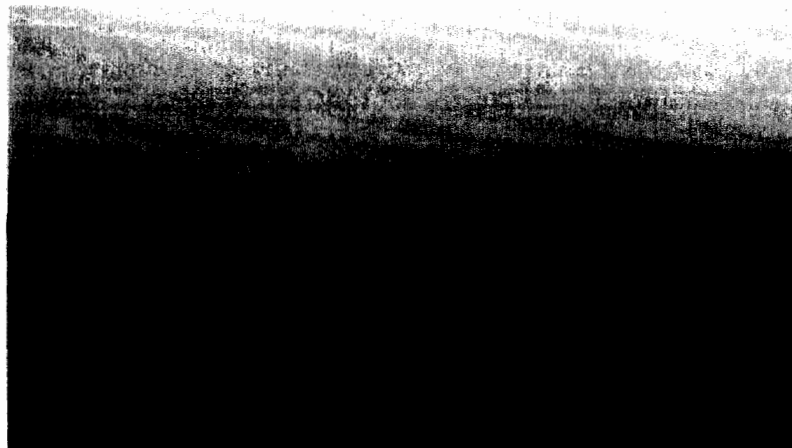
Visible plume of turbid water in an unnamed tributary to Chilatchee Creek.
Turbidity upstream of this point was 34.5 NTUs.

Unnamed tributary to Chilatchee Creek downstream of previous.



Turbidity at this point was 55.7 NTUs, an increase of 21.2 NTUs.

Pond for DSN 001-2.

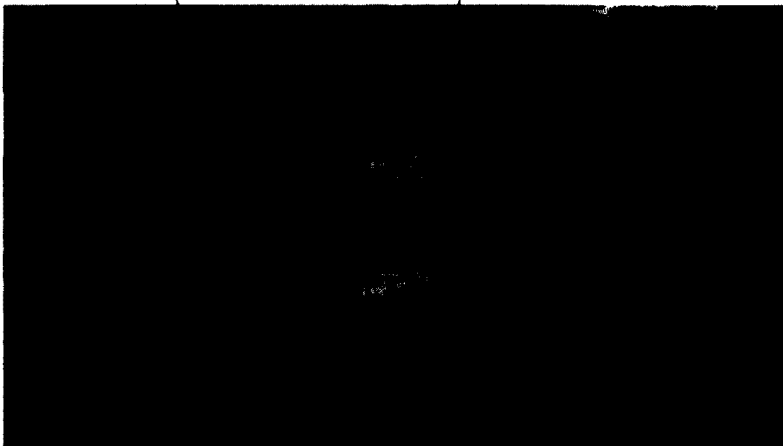


DSN 001-2 sampling point.



11

Ditch downgradient of previous photo. Turbid water observed here.



12

Ditch downgradient of previous photo.



13

Upgradient of drainage ditch in previous photos. No stabilization.



14

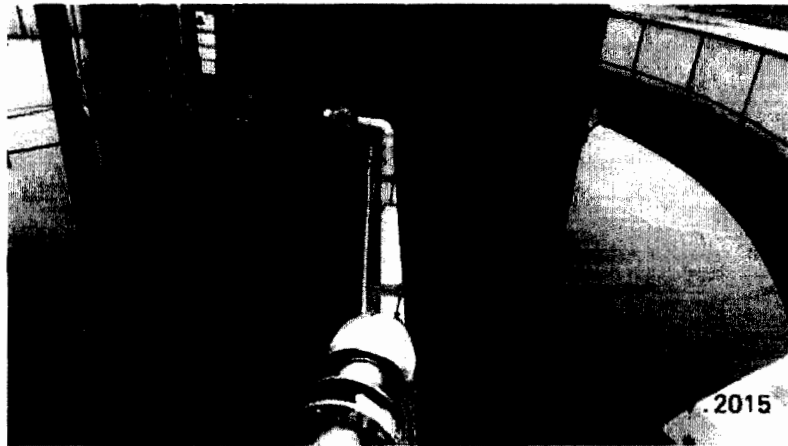
Upgradient of drainage ditch in previous photos. No stabilization.



Turbid water upgradient of drainage ditch.



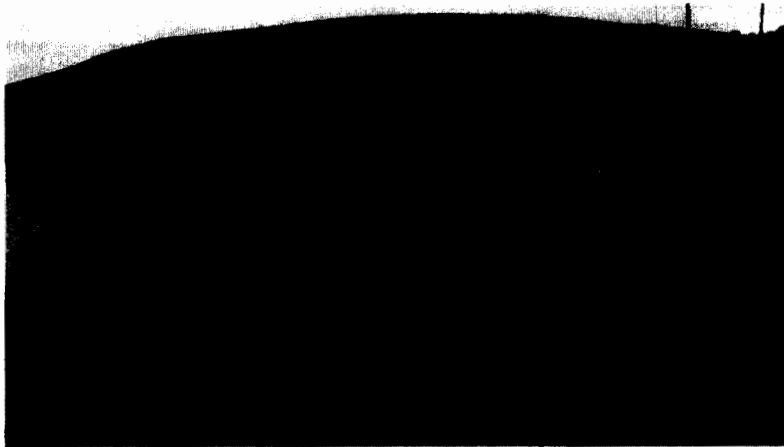
Leachate tank with secondary containment.



Drain valve for secondary containment structure.



Pond for DSN 001-1.



DSN 001-1.



LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

April 20, 2015

Ernest Kaufmann
Perry County Associates, LLC
622 Tayloe Road
Uniontown AL 36786

RE: Facility Inspection
Arrowhead Landfill
NPDES Permit # ALG160167
FID 35125.7
Perry County (105)
Inspected 4/17/2015

Dear Mr. Kaufman:

Enclosed is a copy of an inspection report for the above referenced facility. A copy of the inspection report has been transmitted to the Department's Water Division for a compliance determination and any follow-up as appropriate.

Should you have any questions regarding permitting, compliance, enforcement, or any follow-up action you should take to address any deficiencies noted, please contact your ADEM permit staff contact or the Water Division in Montgomery at H2Omail@adem.state.al.us or by phone at (334) 271-7799.

Should you have any questions regarding observations noted during the inspection, please contact me by email at elroberts@adem.state.al.us or by phone at (205) 942-6168.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Roberts".

Evan Roberts
Birmingham Branch
Field Operations Division

File: INSPR/17668
ecopy: Water Division
Enclosure: Inspection Report

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)



Alabama Department of Environmental Management
NPDES INSPECTION REPORT


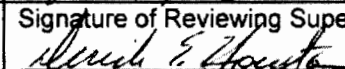
Company/Operator/Permittee: Perry County Associates, LLC		FID 35125.7	Phone Number: (770)720-2717	
Mailing Address: 622 Tayloe Road		City Uniontown	State AL	Zip Code 36786
Responsible Official/Operator Name: Ernest Kaufmann				

Facility Name: Arrowhead Landfill	NPDES Permit #: ALG160167	Permit Effect Date: 02/01/2012	Inspection Entry Date & Time: 4/17/2015 11:10 AM	County: Perry
Activity Description Landfill	NMS Inspection #: 48836	Permit Expire Date: 01/31/2017	Inspection Exit Date & Time: 4/17/2015 2:59 PM	Report Complete Date: 4/20/2015
Inspection Type: (X) CEI () CSI () PAI Routine () Complaint (X) Photos Taken (X) Samples Collected (X)				

Township, Range, Section: T17N, R6E, S28
Physical Address/Location Description (include nearest city): County Road 1, near Perry, AL

Entrance Latitude & Longitude: 32.413512, -87.473396
Discharge Point(s) Latitude & Longitude: 32.41486, -87.465887, 32.41481, -87.47281; 32.41019, -87.46792
Receiving Water(s): UT Tayloe Creek, UT Chilatchee Creek
Weather Conditions: Intermittent rain, warm

Summary: Disturbed areas that were not currently in use had not been vegetated or otherwise stabilized. Stormwater from disturbed area was observed entering drainage ditch north and downgradient of sampling point for DSN 001-2. Turbid stormwater observed leaving landfill property near southeast corner of facility, at latitude 32.41019, longitude -87.46792, was not a permitted outfall. This stormwater drained from an unused storage field that was not stabilized, but not from landfill cells. Turbidity of the stormwater discharge alongside County Road 21 was 118 NTUs. Turbidity of the unnamed tributary of Chilatchee Creek upstream of the discharge was 34.5 NTUs. Turbidity of the unnamed tributary of Chilatchee Creek downstream of the discharge was 55.7 NTUs, a difference of 21.2 NTUs.

Name(s) of On-site Representative(s) and Phone Numbers: Thad Owings, (770)7250-2717		
Name of Inspector: Evan Roberts	Signature of Inspector: 	Date: 4/20/2015
Name of Reviewing Supervisor: Derick Houston	Signature of Reviewing Supervisor: 	Date: 4/20/2015

FOD Office: Birmingham

NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

FACILITY NAME: Arrowhead Landfill		PERMIT NUMBER: ALG160167		
I. RECORDS				
A. Copy of Permit Available	N/A	X YES	NO	Comment #
B. Discharge Monitoring Reports (DMRs) Available	N/A	X YES	NO	Comment #
DMRs Retained for 3 Years	N/A	X YES	NO	Comment #
C. Laboratory Records Available	N/A	X YES	NO	Comment #
Laboratory Records Retained for 3 Years	N/A	X YES	NO	Comment #
D. Commercial Lab Used for Reported Analyses	N/A	X YES	NO	Comment #
Name: Analytical Services, Inc.	Location: Norcross, GA			
E. Adequate Records Maintained of::				
1. Sample Date, Time and Location	N/A	X YES	NO	Comment #
2. Analyses Date and Time	N/A	X YES	NO	Comment #
3. Analytical Methods	N/A	X YES	NO	Comment #
4. Standard Methods/EPA Approved Analytical Method	N/A	X YES	NO	Comment #
5. Analyst	N/A	X YES	NO	Comment #
6. Lab Equipment Calibration and Maintenance	N/A	X YES	NO	Comment #
7. Rainfall Data	N/A	X YES	NO	Comment #
F. Correct Name and Mailing Address of Permittee	N/A	X YES	NO	Comment #
II. POLLUTION PREVENTION PRACTICES/PLANS				
A. Best Management Practices (BMP) Plan Available	N/A	X YES	NO	Comment #
Last Update to BMP Plan: January 2015				
B. BMP Measures Appear Adequate, If no provide	N/A	YES	X NO	Comment # 1
C. BMP Training Records Available	N/A	X YES	NO	Comment #
D. BMP Inspection Records Available	N/A	X YES	NO	Comment #
Inspection Records Retained for 3 Years	N/A	X YES	NO	Comment #
E. Spill Prevention Control and Countermeasures (SPCC) Plan Available	N/A	X YES	NO	Comment # 2
Last Update to SPCC: January 2015				
List Tanks and Capacities in Comment Section				
F. Pollution Prevention (P2)/Source Reduction Plan and/or P2 Practices	N/A	X YES	NO	Comment #
G. All Discharges Appear to be properly Permitted	N/A	YES	X NO	Comment # 3
H. Adequate Containment for Products/Byproducts and Waste Materials	N/A	X YES	NO	Comment #
III. MONITORING INFORMATION				
A. Flow Measurement				
Method of measurement on Non-Stormwater Outfalls: Instantaneous Weir Other				
B. Sampling				
1. Location(s) Adequate	N/A	YES	X NO	Comment # 4
2. Sample Type(s) Agree with Permit	N/A	X YES	NO	Comment #
3. Preservation Techniques Agree with 40 CFR 136	N/A	X YES	NO	Comment #
4. Sample Holding Times Agree with EPA Guidance	N/A	X YES	NO	Comment #
5. Monitoring and Analyses Performed More Frequently Than Required	N/A	YES	X NO	Comment #
6. If Yes to 5, Results are Reported in Permittee's Self Monitoring Report	X N/A	YES	NO	Comment #
7. Stormwater Samples Collected in Accordance with Permit Requirements	N/A	X YES	NO	Comment #

N/A – Not Applicable

NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

IV. EFFLUENT/RECEIVING WATER VISUAL OBSERVATIONS			
Outfall(s) have Oil Sheen	YES	X NO	Comment #
Outfall(s) have Visible Foam	YES	X NO	Comment #
Outfall(s) have Visible Floating Solids	YES	X NO	Comment #
V. COMMENTS			
Comment No.	Comment		Photograph No.
1	Disturbed areas that were not currently in use had not been vegetated or otherwise stabilized.		3, 14-16
2	No fuel or chemical storage. Leachate tank was within secondary containment.		17-18
3	Turbid stormwater observed leaving landfill property near southeast corner of facility, at latitude 32.41019, longitude -87.46792, was not a permitted outfall. This stormwater drained from an unused storage field that was not stabilized, but not from landfill cells.		1-9
4	Stormwater from disturbed area was observed entering drainage ditch north and downgradient of sampling point for DSN 001-2.		11-16
VI. SAMPLE RESULTS			
<p>Turbidity of stormwater discharge alongside County Road 21 was 118 NTUs.</p> <p>Turbidity of the unnamed tributary of Chilatchee Creek upstream of the discharge was 34.5 NTUs.</p> <p>Turbidity of the unnamed tributary of Chilatchee Creek downstream of the discharge was 55.7 NTUs, a difference of 21.2 NTUs.</p>			

H. LOWRY TRIBBLE, JR., P.E.
WILLIAM F. HODGES, P.E.
W. MICHAEL STUBBS, P.E.
R. BRANT LANE, P.E.
CLINT L. COURSON, CHMM
K. MATTHEW CHEEK, P.E.
DANIEL E. CHEEK, P.E.
KEVIN G. BERRY, P.E.



HODGES, HARBIN,
NEWBERRY & TRIBBLE, INC.

Consulting Engineers

NATHAN D. DUNN, P.E.
RYAN S. WILLOUGHBY, P.E.
WILLIAM A. GRANICH, P.E.
ROBERT D. HELLER, CHMM
ERIC P. JACKSON, P.E.
DAVID E. BATTSON, P.E.
RYAN S. PETERS, P.E.
WILLIAM M. REESE, P.E.

May 12, 2015

Mr. Evan Roberts
Birmingham Branch
Field Operations Division
110 Vulcan Road
Birmingham, Alabama 35209

**Re: Arrowhead Landfill
ADEM Facility Inspection Response Letter
NPDES Permit No. ALG160167
HHNT Project No. 3006-029-13**

Dear Mr. Roberts:

On behalf of Arrowhead Landfill, this letter is in response to your storm water inspection report dated April 20, 2015 corresponding to your site visit on April 17, 2015. It is our understanding that your inspection visit was conducted in response to citizen complaints received from Mr. Adam Johnston of the Alabama River Alliance received on April 8, 2015, as well as another complaint from Mr. William Gibson on April 15, 2015.

Arrowhead Landfill would like to respond to the comments on your inspection report, and to assure ADEM that the facility is dedicated to maintaining a high standard of environmental compliance. In order to provide a detailed response, we have listed each comment below in bold and the facility's responses and/or corrective actions in italics.

Inspection Comment #1: Disturbed areas that were not currently in use had not been vegetated or otherwise stabilized.

Response:

Arrowhead Landfill acknowledges that disturbed areas at the facility required grassing during the inspection on April 17, 2015. These areas had become bare after a long, wet and cold winter when grassing was difficult. We will forward under separate cover photographic documentation that the subject disturbed areas have been seeded and mulched in order to establish vegetation and stabilize the areas. These areas will continue to be inspected as part of the facility's bi-weekly routine operations in order to ensure a stand of vegetation is established and maintained. Should industrial activities be conducted

in one of these locations in the future, the outfall locations of DSN001-1 and DSN001-2 will be reevaluated.

Inspection Comment #2: **No fuel or chemical storage. Leachate tank was within secondary containment.**

Response: *The facility's current Spill Pollution, Prevention, and Countermeasure Plan was last updated in January 2015. The attached page from the current plan lists the onsite petroleum storage tanks, which are all located on the mobile maintenance truck. The mobile maintenance truck is utilized throughout the facility for daily operations and is parked over the landfill liner at night or when not in use. The landfill liner serves as secondary containment and is sufficiently impervious to contain a spill, leak, or the entire contents of the mobile maintenance truck. This comment did not note any deficiencies and this response is provided for clarification purposes only.*

Inspection Comment #3: **Turbid storm water observed leaving landfill property near southeast corner of facility at latitude 32.41019, longitude -87.46792, was not a permitted outfall. This storm water drained from an unused storage field that was not stabilized, but not from landfill cells.**

Response: *Hodges, Harbin, Newberry & Tribble, Inc. has reviewed facility drainage patterns and has delineated the outfall drainage areas onsite. Additionally, the permit and state water quality rules were reviewed to assess the inspector's comment. Arrowhead Landfill is not of the opinion that the identified "unpermitted discharge" qualifies as a discharge, as defined in the NPDES General Permit (ALG160000). Discharges from specific industrial activities are authorized under this Permit; however, none of these activities are conducted in the unused storage area. Therefore, it is our opinion that permit coverage is not required for this area of the facility. We have reviewed the most recent topographic quadrangle published by the USGS dated 2014, and the nearest stream depicted on the quad map is located across Co. Rd. 1 (Cahaba Road) from the landfill.*

Additionally, as noted in your inspection report, the turbidity monitoring results indicated a difference of 21.2 NTUs upstream and downstream of the subject runoff location. This upstream and downstream variance is in compliance with the permit limits (a parameter only required to be sampled during times of construction, which is not occurring). The Permit limits the downstream turbidity to less than or equal to 50 NTUs above the upstream turbidity of a sampling location during times of construction. Existing BMPs in this

area include four rock check dams installed along the ditch draining to this runoff location and one larger rock check dam adjacent to the road. These storm water BMPs are inspected bi-weekly to ensure proper function, per the Permit.

As noted above, we will submit under separate cover photographic documentation that the disturbed area in the vicinity of the location where runoff is leaving the site at Cahaba Road has been seeded and mulched. Vegetation can greatly reduce the amount of sediment in storm water runoff. This area will continue to be inspected as part of the facility's bi-weekly routine operations in order to ensure a stand of vegetation is established and maintained.

Inspection Comment #4: **Storm water from disturbed area was observed entering drainage ditch north and downgradient of sampling point DSN001-2.**

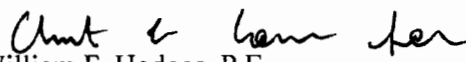
Response:

As mentioned above, Arrowhead Landfill acknowledges that disturbed areas at the facility required grassing during the inspection on April 17, 2015. We will forward photographic documentation under separate cover that the subject disturbed area (the area northeast of DSN001-2) has been seeded and mulched in order to establish vegetation and stabilize the area. No landfill industrial activities are conducted in or around the disturbed area. This area will continue to be maintained to prevent sediment from leaving the site via storm water runoff. Should industrial activities be conducted in this location in the future, the need for an additional outfall will be reevaluated.

Should you have any questions, please call.

Sincerely,

HODGES, HARBIN, NEWBERRY & TRIBBLE, INC.


William F. Hodges, P.E.
Professional Engineer

Enclosure

cc: Scott Story (w/enclosure)
 Lee Warren (w/enclosure)
 Oscar Allen (w/enclosure)
 James Ashburn (w/enclosure)

Brent Watson (w/enclosure)
Ernest Kaufmann (w/enclosure)
Thad Owings (w/enclosure)
Joy Hammonds (w/enclosure)

SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN

FOR
ARROWHEAD LANDFILL
PERRY COUNTY ASSOCIATES, LLC
622 TAYLOE ROAD
UNIONTOWN, AL 36786

PERRY COUNTY, ALABAMA

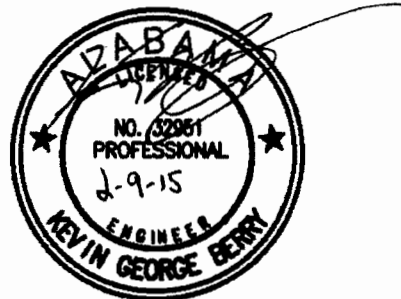
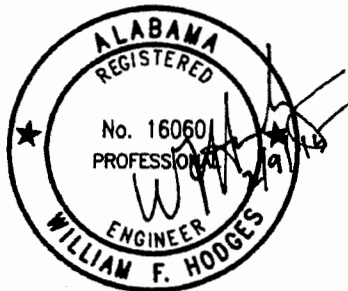
Original Date of Plan:
Date of Last Plan Amendment / P.E. Certification:
Date of Last Plan Review:
Designated Person Accountable for Spill Prevention:
(Referred to as Facility Response Coordinator in Plan)

August 15, 2009
January 2015
January 2015
James Ashburn



HODGES, HARBIN,
NEWBERRY & TRIBBLE, INC.

Consulting Engineers



The following table is a listing and brief description of the current petroleum storage on-site:

TABLE 1		
Tank Number/ Other Type of Container(s)	Description (gallons, construction, containment, etc.)	Location (above or below ground, location on site)
1.	100-gallon transmission fluid	aboveground; on mobile maintenance truck that is parked over landfill liner when not in use.
2.	125-gallon motor oil	aboveground; on mobile maintenance truck that is parked over landfill liner when not in use.
3.	55-gallon gear oil	aboveground; on mobile maintenance truck that is parked over landfill liner when not in use.
4.	100-gallon anti-freeze	aboveground; on mobile maintenance truck that is parked over landfill liner when not in use.
5.	150-gallon hydraulic fluid	aboveground; on mobile maintenance truck that is parked over landfill liner when not in use.
6.	1,800-gallon diesel tank	aboveground; on mobile maintenance truck that is parked over landfill liner when not in use.
7.	150-gallon used oil	aboveground; on mobile maintenance truck that is parked over landfill liner when not in use.
TOTAL = ±2,480 gallons		
Note: 1. The mobile maintenance truck will be parked over the landfill liner when not in use. The landfill liner is sufficient to contain 110% of the single largest tank volume.		

Equipment on-site which contains petroleum consists of: Dump Truck(s), Backhoe(s), Compactor(s), and D6 Dozer(s). The oil products used by these pieces of equipment are considered "motive power containers" as defined in 40 CFR 112.2 and are exempt from the SPCC Rule in accordance with 40 CFR 112.1(d)(7).

All equipment is visually inspected daily for leaks.

4.3 Drainage Pathway and Distance to Navigable Water

The landfill is located in Perry County, Alabama at 622 Tayloe Road Uniontown, AL 36786. All areas of the landfill drain via ditches and sediment ponds to an unnamed tributary of Tayloe Creek.

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

MAY 22 2015

ERNEST KAUFMANN, PRESIDENT
PERRY COUNTY ASSOCIATES LLC
622 TAYLOE ROAD
UNIONTOWN AL 36786

RE: Compliance Evaluation Inspection
Arrowhead Landfill
622 Tayloe Road
Uniontown, AL 36786
General NPDES Permit No. ALG160167
Perry County (105)

Dear Mr. Kaufmann:

The Department has received your May 12, 2015 response to the Compliance Evaluation Inspection (CEI) conducted on April 17, 2015.

During the inspection, the inspector observed storm water drainage from a concrete pipe storage area in the southeastern portion of the property. The land was not sufficiently vegetated or stabilized to prevent erosion during storm water runoff. At the time of inspection, turbid storm water from this area was observed leaving the landfill property near the southeast corner of the facility. The upstream and downstream turbidity difference of the stream receiving the runoff was 21.2 NTUs, which was within the water quality criteria of no greater than 50 NTUs. These issues were addressed by the permittee in a letter received by the Department on May 12, 2015. Below is the Department's response to the comments made on behalf of the permittee, Arrowhead Landfill:

Inspection Comment #1: Disturbed areas that were not currently in use had not been vegetated or otherwise stabilized. Your response indicated that these areas would be seeded and mulched. It was also indicated that these areas will continue to be inspected twice per week as part of the facility operations in order to ensure vegetation is established and maintained. *The facility should maintain logs of these inspections such that they are available to the Department during site inspections. The Department has not received the photographs which were referenced in your response. However, a phone call from your consultant, Clint Courson of Hodges, Harbin, Newberry and Tribble, Inc., on May 21, 2015, indicated they are forthcoming. Within 30 days from receipt of this letter, please provide photographs (with dates) to the Water Division that document the progress of vegetation establishment.*

Inspection Comment #2: No fuel or chemical storage. Leachate tank was within secondary containment. Your response referred to the facility's Spill Prevention, Control and Countermeasure Plan. Tanks and onsite petroleum storage are all located on the mobile maintenance truck. *This inspection comment was an observation made by the inspector and not a noted deficiency.*

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

Inspection Comment #3: Turbid stormwater observed leaving landfill property near southeast corner of facility, at latitude 32.41019, longitude -87.46792, was not a permitted outfall. This stormwater drained from an unused storage field that was not stabilized, but not from landfill cells. Your response indicated that permit coverage would not be applicable to this area since landfill activity was not occurring at that location and the turbidity observed would have been within permit limits. You also indicated that this area would be re-vegetated and inspected bi-weekly to ensure the vegetation remains established. *As indicated above, please provide photographs to the Water Division that document the progress of vegetation establishment and maintenance. Please note that the permittee should implement and maintain adequate Best Management Practices (BMPs) to minimize or prevent the discharge of solids.*

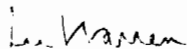
Inspection Comment #4: Stormwater from disturbed area was observed entering drainage ditch north and down gradient of sampling point for DSN 001-2. Your response reiterated that industrial activity did not occur in or around the disturbed area and that the area would be re-vegetated. *This inspection comment was an observation made by the inspector.*

To document vegetation of the area in question, no later than 90 days from receipt of this letter, please provide photographs (with dates) to the Department that document the progress of vegetation establishment, and the continued maintenance of the vegetation. The submittal should be mailed to **Dodi Moseley** in the Department at the Montgomery address shown at the top of this letter.

The Department encourages you to voluntarily consider pollution prevention strategies to prevent potential future violations.

If you have questions regarding this matter, please contact Dodi Moseley by email at dbmoseley@adem.state.al.us or by phone at (334) 271-7725.

Sincerely,



Lee Warren, Chief
Industrial General Permit Section
Water Division

LW/dbm

File: CEI/17668

Encl(s): CEI Report

Pc: Lee Warren, ADEM, Industrial General Permit Section
Dodi Moseley, ADEM, Industrial General Permit Section
Brad Stearns, ADEM, Water Division
Derick Houston, ADEM, Field Operations Division, Birmingham
Evan Roberts, ADEM, Field Operations Division, Birmingham
Eric Sanderson, ADEM, Land Division



Alabama Department of Environmental Management
NPDES INSPECTION REPORT

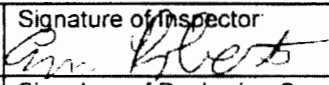

Company/Operator/Permittee: Perry County Associates, LLC		FID 35125 7	Phone Number: (770)720-2717	
Mailing Address: 622 Tayloe Road		City Uniontown	State AL	Zip Code 36786
Responsible Official/Operator Name Ernest Kaufmann				

Facility Name: Arrowhead Landfill	NPDES Permit #: ALG160167	Permit Effect Date: 02/01/2012	Inspection Entry Date & Time: 4/17/2015 11:10 AM	County: Perry
Activity Description Landfill	NMS Inspection #: 48836	Permit Expire Date: 01/31/2017	Inspection Exit Date & Time: 4/17/2015 2:59 PM	Report Complete Date 4/20/2015
Inspection Type: (X) CEI () CSI () PAI Routine () Complaint (X) Photos Taken (X) Samples Collected (X)				

Township, Range, Section: T17N, R6E, S28
Physical Address/Location Description (include nearest city): County Road 1, near Perry, AL

Entrance Latitude & Longitude: 32.413512, -87.473396
Discharge Point(s) Latitude & Longitude: 32.41486, -87.465887, 32.41481, -87.47281; 32.41019, -87.46792
Receiving Water(s): UT Tayloe Creek, UT Chilatchee Creek
Weather Conditions: Intermittent rain, warm

Summary Disturbed areas that were not currently in use had not been vegetated or otherwise stabilized. Stormwater from disturbed area was observed entering drainage ditch north and downgradient of sampling point for DSN 001-2. Turbid stormwater observed leaving landfill property near southeast corner of facility, at latitude 32.41019, longitude -87.46792, was not a permitted outfall. This stormwater drained from an unused storage field that was not stabilized, but not from landfill cells. Turbidity of the stormwater discharge alongside County Road 21 was 118 NTUs. Turbidity of the unnamed tributary of Chilatchee Creek upstream of the discharge was 34.5 NTUs. Turbidity of the unnamed tributary of Chilatchee Creek downstream of the discharge was 55.7 NTUs, a difference of 21.2 NTUs.
--

Name(s) of On-site Representative(s) and Phone Numbers: Thad Owings, (770)7250-2717		
Name of Inspector: Evan Roberts	Signature of Inspector: 	Date: 4/20/2015
Name of Reviewing Supervisor: Derick Houston	Signature of Reviewing Supervisor: 	Date: 4/20/2015

FOD Office: Birmingham

NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

FACILITY NAME: Arrowhead Landfill		PERMIT NUMBER: ALG160167			
I. RECORDS					
A. Copy of Permit Available	N/A	X YES	NO	Comment #	
B. Discharge Monitoring Reports (DMRs) Available	N/A	X YES	NO	Comment #	
DMRs Retained for 3 Years	N/A	X YES	NO	Comment #	
C. Laboratory Records Available	N/A	X YES	NO	Comment #	
Laboratory Records Retained for 3 Years	N/A	X YES	NO	Comment #	
D. Commercial Lab Used for Reported Analyses	N/A	X YES	NO	Comment #	
Name: Analytical Services, Inc.	Location: Norcross, GA				
E. Adequate Records Maintained of:					
1. Sample Date, Time and Location	N/A	X YES	NO	Comment #	
2. Analyses Date and Time	N/A	X YES	NO	Comment #	
3. Analytical Methods	N/A	X YES	NO	Comment #	
4. Standard Methods/EPA Approved Analytical Method	N/A	X YES	NO	Comment #	
5. Analyst	N/A	X YES	NO	Comment #	
6. Lab Equipment Calibration and Maintenance	N/A	X YES	NO	Comment #	
7. Rainfall Data	N/A	X YES	NO	Comment #	
F. Correct Name and Mailing Address of Permittee	N/A	X YES	NO	Comment #	
II. POLLUTION PREVENTION PRACTICES/PLANS					
A. Best Management Practices (BMP) Plan Available	N/A	X YES	NO	Comment #	
Last Update to BMP Plan: January 2015					
B. BMP Measures Appear Adequate, If no provide	N/A	YES	X NO	Comment # 1	
C. BMP Training Records Available	N/A	X YES	NO	Comment #	
D. BMP Inspection Records Available	N/A	X YES	NO	Comment #	
Inspection Records Retained for 3 Years	N/A	X YES	NO	Comment #	
E. Spill Prevention Control and Countermeasures (SPCC) Plan Available	N/A	X YES	NO	Comment # 2	
Last Update to SPCC January 2015					
List Tanks and Capacities in Comment Section					
F. Pollution Prevention (P2)/Source Reduction Plan and/or P2 Practices	N/A	X YES	NO	Comment #	
G. All Discharges Appear to be properly Permitted	N/A	YES	X NO	Comment # 3	
H. Adequate Containment for Products/Byproducts and Waste Materials	N/A	X YES	NO	Comment #	
III. MONITORING INFORMATION					
A. Flow Measurement					
Method of measurement on Non-Stormwater Outfalls. Instantaneous Weir Other					
B. Sampling					
1. Location(s) Adequate	N/A	YES	X NO	Comment # 4	
2. Sample Type(s) Agree with Permit	N/A	X YES	NO	Comment #	
3. Preservation Techniques Agree with 40 CFR 136	N/A	X YES	NO	Comment #	
4. Sample Holding Times Agree with EPA Guidance	N/A	X YES	NO	Comment #	
5. Monitoring and Analyses Performed More Frequently Than Required	N/A	YES	X NO	Comment #	
6. If Yes to 5, Results are Reported in Permittee's Self Monitoring Report	X N/A	YES	NO	Comment #	
7. Stormwater Samples Collected in Accordance with Permit Requirements	N/A	X YES	NO	Comment #	

N/A – Not Applicable

NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

IV. EFFLUENT/RECEIVING WATER VISUAL OBSERVATIONS

Outfall(s) have Oil Sheen	YES	X NO	Comment #
Outfall(s) have Visible Foam	YES	X NO	Comment #
Outfall(s) have Visible Floating Solids	YES	X NO	Comment #

V. COMMENTS

Comment No.	Comment	Photograph No.
1	Disturbed areas that were not currently in use had not been vegetated or otherwise stabilized.	3, 14-16
2	No fuel or chemical storage. Leachate tank was within secondary containment.	17-18
3	Turbid stormwater observed leaving landfill property near southeast corner of facility, at latitude 32.41019, longitude -87.46792, was not a permitted outfall. This stormwater drained from an unused storage field that was not stabilized, but not from landfill cells.	1-9
4	Stormwater from disturbed area was observed entering drainage ditch north and downgradient of sampling point for DSN 001-2	11-16

VI. SAMPLE RESULTS

Turbidity of stormwater discharge alongside County Road 21 was 118 NTUs.
Turbidity of the unnamed tributary of Chilatchee Creek upstream of the discharge was 34.5 NTUs.
Turbidity of the unnamed tributary of Chilatchee Creek downstream of the discharge was 55.7 NTUs, a difference of 21.2 NTUs

LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

ROBERT J. BENTLEY
GOVERNOR

April 20, 2015

Ernest Kaufmann
Perry County Associates, LLC
622 Tayloe Road
Uniontown AL 36786

RE: Facility Inspection
Arrowhead Landfill
NPDES Permit # ALG160167
FID 35125.7
Perry County (105)
Inspected 4/17/2015

Dear Mr. Kaufman:

Enclosed is a copy of an inspection report for the above referenced facility. A copy of the inspection report has been transmitted to the Department's Water Division for a compliance determination and any follow-up as appropriate.

Should you have any questions regarding permitting, compliance, enforcement, or any follow-up action you should take to address any deficiencies noted, please contact your ADEM permit staff contact or the Water Division in Montgomery at H2Omail@adem.state.al.us or by phone at (334) 271-7799.

Should you have any questions regarding observations noted during the inspection, please contact me by email at elroberts@adem.state.al.us or by phone at (205) 942-6168.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Roberts".

Evan Roberts
Birmingham Branch
Field Operations Division

File: INSPR/17668
ecopy: Water Division
Enclosure: Inspection Report

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209 4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603 1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615 1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

Pearce, Jennifer

From: Houda, Tara
Sent: Friday, May 08, 2015 6:59 AM
To: Dromgoole, Ahmad
Subject: FW: Just FYI - Coal Ash Disposal article

From: Hom, Michael
Sent: Thursday, May 07, 2015 10:11 AM
To: Houda, Tara; Olone, Dan
Subject: Fw: Just FYI - Coal Ash Disposal article
FYI

From: Zimmer, Andrea
Sent: Thursday, May 7, 2015 9:26 AM
To: Staples, Bridget; Shell, Karrie-Jo; Hom, Michael; Ireland, Laurie; Hicks, Matt; Schwartz, Paul; Davis, Molly; Diaz, Denisse; Mundrick, Doug
Subject: Just FYI - Coal Ash Disposal article
<http://www.power-eng.com/marketwired/2015/05/5/arrowhead-landfill-provides-safe-haven-for-utilities-disposing-of-coal-ash.html>

Arrowhead Landfill Provides Safe Haven for Utilities Disposing of Coal Ash 05/05/2015

NASHVILLE, TN--(Marketwired - May 05, 2015) - WORLD OF COAL ASH CONFERENCE -- Green Group Holdings, LLC announced that its Arrowhead Landfill facility is ready to accept coal combustion residuals (CCR), commonly known as coal ash, from utility companies looking to avoid civil litigation risks brought on by the new federal regulations. The recently published Environmental Protection Agency (EPA) regulations on CCR establish disposal standards, monitoring obligations, and associated public reporting requirements for CCR landfills, most commonly owned and operated by utility companies. However, the new rule does not address enforcement, meaning interpretation and enforcement of the rule will ultimately be determined as a result of civil litigation, putting utilities that dispose of coal ash in CCR landfills at serious risk. Beginning in October, when the rule becomes effective, citizens will be able to sue a utility to enforce any of the rule's requirements.

As a municipal solid waste (MSW) landfill, Arrowhead is not subject to the new EPA regulations and is ready to accept coal ash immediately. In fact, disposal of coal ash at Arrowhead will exceed the standards established by rule, creating for utilities a "safe harbor" solution not subject to further interpretation or dispute, and a clean transfer of obligation.

"Arrowhead Landfill has already proven capable of handling coal ash, having successfully disposed of more than four million tons of CCR by our affiliate partner Phillips & Jordan," said Ernest Kaufmann, CEO, Green Group. "With rail access, a geographic reach that allows us to serve 33 states, and an environmentally ideal location, Arrowhead is uniquely well-positioned to meet this need."

The landfill, which is permitted by the Alabama Department of Environmental Management (ADEM), is located above the Selma Chalk, one of the most impermeable naturally occurring clay formations in North America, making Arrowhead one of the most environmentally sound disposal facilities in the nation. Arrowhead has never received a Notice of Violation from ADEM and maintains financial assurance for closure and post closure monitoring in accordance with state requirements. For more information on Arrowhead Landfill, visit: www.arrowheadlandfill.com.

About Green Group Holdings

Green Group Holdings, LLC is an environmental services company that specializes in the planning, implementation and operation of waste disposal, recycling, reuse, and restoration projects. These projects are designed with the environment and safety as our highest priorities, with an approach that provides significant value to the communities in which they are located. For more information, visit, www.greengroupholdings.com.

